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THE PIONEERS OF LAND REFORM

THOMAS SPENCE
WILLIAM OGILVIE
THOMAS PAINE

WITH AN INTRODUCTION BY

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INTRODUCTION

THE modern land reform movement originated, in the last quarter of the eighteenth century, in Great Britain. Its aims and ends are different from those of the Peasants' War (1381, 1449, 1549) and the Diggers (1649), for, while these fought either for a restoration of the village community or the establishment of communism, it advocates a compromise between communism and private property, with a view to increase the number of farmers and, generally, to improve the condition of the labouring population.

The pioneers are Thomas Spence (1750–1814), William Ogilvie (1736–1813), and, to some extent, Thomas Paine (1737–1809). They all argue from the natural law doctrines, according to which the earth and the fulness thereof were, in the original state of society, or the state of nature, the common property of mankind, so that every child born into the world had *ipso facto* an inalienable right to an equal share in the common inheritance. Further, in the state of

nature all men were free—no government, no man-made law coerced or regulated society. Economic equality and social liberty are thus the fundamental rights of man. This conception is very old; it arose, as is well known, in antiquity, and governed social thought throughout the ages up to recent times; the last British scholar who made use of it was Alfred Russel Wallace, his book *Land Nationalisation* (London, 1882) being based on it. With the rise of natural history study that theory received a new aspect. While in former times natural law philosophy was bound up with ethics and religion, original society began to be regarded, since the latter half of the eighteenth century, as a horde of human animals, whose common pasture was the earth, just as much as the forests, woods, rivers, and seas were the common feeding and breeding places of the other species of the animal kingdom. This latter mode of thinking is to be found in Spence.

Various causes united to put an end to the state of nature. The growing moral deterioration of man as well as the insufficiency of the means of life for the increasing population led to inconveniences and disturbances; the strong and crafty offered violence to the weak, and appropriated large portions of the land for their own exclusive use; finally, notions of private property arose with regard to those things which men created or considerably improved and made valuable by their own labour. The old order

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of communism, equality, and liberty was being undermined; a new order was urgently called for; therefore men, by express or tacit agreement, abandoned the communist mode of life and established civil government and private property. Civil society brought certain great advantages by promoting agriculture and trades, thus increasing the national wealth; but it produced the division of society into rich and poor, into oppressing and oppressed classes, and furthered covetousness, selfishness, crime, ignorance, and misery of the many. The moral deterioration, far from being checked by the new order of things, reached its lowest depths in civil society. Hence the need for a reform which would combine the advantages of both forms of society and exclude their disadvantages.

Spence asks the nation to cancel, by virtue of its sovereignty, the social compact and to expropriate the landlords and restore the land to its rightful heirs, whereupon it should be transferred to the parishes, who would let it to farmers on a moderate rental. This rent would form the only tax, from which the expenses of local and central administration would be defrayed. No other taxes or duties to be levied. Free trade and manufacture, a flourishing agriculture, and complete democracy would unite to lift the nation to a high moral level. Spence must be regarded as the author of "Single Tax," which was advocated, a century later, by Henry George. He is

also against nationalisation, his ideal being a nation consisting of a loose federation of autonomous communes.

Spence was of Scottish origin, his father having left Aberdeen for Newcastle, where Thomas was born. From a self-taught workman he gradually became a tutor and lecturer. On November 8, 1775, he delivered his lecture on land reform before the Newcastle Philosophical Society. Later on he left for London, where he took part in all revolutionary movements, and was twice imprisoned, for altogether seventeen months. In 1793 he republished his Newcastle Lecture under the title *The Real Rights of Man*, and in 1796 under the title *The Meridian Sun of Liberty*, or *The Whole Rights of Man displayed*. It was republished in 1882 by Mr H. M. Hyndman, who gave it the title *Nationalisation of the Land*, and in 1896 by Messrs Verinder and Morrison Davidson for the Land Restoration League.

William Ogilvie was Professor at Aberdeen University; he was also a successful agriculturist. His *Essay on the Right of Property in Land* (1781) was published anonymously. His critical views on the existing land tenure are, at least, as severe as Spence's, but much more scholarly; in his reform proposals he is, however, incomparably milder, and rejects any catastrophic break with the past. The utmost he desires to do for the citizen without property is to procure him a farm of 40 acres, for which he is to pay a fixed

rent and to render certain feudal services to the landlord. Ogilvie's *Essay* was republished in 1838 and in 1891.

Thomas Paine's *Agrarian Justice* (1795–96) is brilliantly written, and breathes the spirit of the French Revolution. The contrast between the state of nature and civil society is clearly depicted. His reform programme is very moderate, and was therefore taken to task by Spence in a pamphlet entitled *Rights of Infants* (1797). He was a member of the Society of Friends, and a worthy successor of the great social reformer John Bellers (1655–1725).

THE REAL RIGHTS OF MAN

By Thomas Spence

A LECTURE

DELIVERED AT NEWCASTLE-ON-TYNE
1775

BY

THOMAS SPENCE

A LECTURE

READ AT THE PHILOSOPHICAL SOCIETY IN NEWCASTLE ON NOVEMBER 8TH, 1775, FOR PRINTING OF WHICH THE SOCIETY DID THE AUTHOR THE HONOUR TO EXPEL HIM.

MR PRESIDENT,—It being my turn to lecture, I beg to give some thoughts on this important question, viz. :— Whether mankind in society reap all the advantages from their natural and equal rights of property in land and liberty, which in that state they possibly may and ought to expect? And as I hope you, Mr President and the good company here, are sincere friends to truth, I am under no apprehensions of giving offence by defending her cause with freedom.

That property in land and liberty among men in a state of nature ought to be equal, few, one would be fain to hope, would be foolish enough to deny. Therefore, taking this to be granted, the country of any people, in a native state, is properly their common, in which each of them has an equal property, with free liberty to sustain

himself and family with the animals, fruits and other products thereof. Thus such a people reap jointly the whole advantages of their country, or neighbourhood, without having their right in so doing called in question by any, not even by the most selfish and corrupt. For upon what must they live if not upon the productions of the country in which they reside? Surely, to deny them that right is in effect denying them a right to live. Well, methinks some are now ready to say, but is it lawful, reasonable and just, for this people to sell, or make a present even, of the whole of their country, or common, to whom they will, to be held by them and their heirs for ever?

To this I answer, If their posterity require no grosser materials to live and move upon than air, it would certainly be very ill-natured to dispute their right of parting, for what of their own, their posterity would never have occasion for; but if their posterity cannot live but as grossly as they do, the same gross materials must be left them to live upon. For the right to deprive anything of the means of living, supposes a right to deprive it of life; and this right ancestors are not supposed to have over their posterity.

Hence it is plain that the land or earth, in any country or neighbourhood, with everything in or on the same, or pertaining thereto, belongs at all times to the living inhabitants of the said country

or neighbourhood in an equal manner. For, as I said before, there is no living but on land and its productions, consequently, what we cannot live without we have the same property in as our lives.

Now as society ought properly to be nothing but a mutual agreement among the inhabitants of a country to maintain the natural rights and privileges of one another against all opposers, whether foreign or domestic, it would lead one to expect to find those rights and privileges no further infringed upon among men pretending to be in that state, than necessity absolutely required. I say again, it would lead one to think so. But I am afraid whoever does will be mightily mistaken. However, as the truth here is of much importance to be known, let it be boldly fought out; in order to which it may not be improper to trace the present method of hold ing land among men in society from its original.

If we look back to the origin of the present nations, we shall see that the land, with all its appurtenances, was claimed by a few, and divided among themselves, in as assured a manner as if they had manufactured it and it had been the work of their own hands; and by being unquestioned, or not called to an account for such usurpations and unjust claims, they fell into a habit of thinking, or, which is the same thing to the rest of mankind, of acting as if the earth was made for or by them, and did not scruple

to call it their own property, which they might dispose of without regard to any other living creature in the universe. Accordingly they did so; and no man, more than any other creature, could claim a right to so much as a blade of grass, or a nut or an acorn, a fish or a fowl, or any natural production whatever, though to save his life, without the permission of the pretended proprietor; and not a foot of land, water, rock or heath but was claimed by one or other of those lords; so that all things, men as well as other creatures who lived, were obliged to owe their lives to some or other's property, consequently they like the creatures were claimed, and, certainly as properly as the wood herbs, etc., that were nourished by the soil. And so we find, that whether they lived, multiplied, worked or fought, it was all for their respective lords; and they, God bless them, most graciously accepted of all as their due. For by granting the means of life, they granted the life itself; and of course, they thought they had a right to all the services and advantages that the life or death of the creatures they gave life to could yield.

Thus the title of gods seems suitable enough to such great beings; nor is it to be wondered at that no services could be thought too great by poor dependent needy wretches to such mighty and all-sufficient lords, in whom they seemed to live and move and have their being. Thus were the first landholders usurpers and

tyrants ; and all who have since possessed their lands, have done so by right of inheritance, purchase, etc., from them ; and the present proprietors, like their predecessors, are proud to own it ; and like them, too, they exclude all others from the least pretence to their respective properties. And any one of them still can, by laws of their own making, oblige every living creature to remove off his property (which, to the great distress of mankind, is too often put in execution) ; so of consequence were all the landholders to be of one mind, and determined to take their properties into their own hands, all the rest of mankind might go to heaven if they would, for there would be no place found for them here. Thus men may not live in any part of this world, not even where they are born, but as strangers, and by the permission of the pretender to the property thereof ; which permission is, for the most part, paid extravagantly for, though many people are so straitened to pay the present demands, that it is believed if they hold on, there will be few to grant the favour to. And those land-makers, as we shall call them, justify all this by the practice of other manufacturers, who take all they can get for the products of their hands ; and because that everyone ought to live by his business as well as he can, and consequently so ought the land-makers. Now, having before supposed it both proved and allowed, that mankind have as equal and just a

property in land as they have in liberty, air, or the light and heat of the sun, and having also considered upon what hard conditions they enjoy those common gifts of nature, it is plain they are far from reaping all the advantages from them which they may and ought to expect.

But lest it should be said that a system whereby they may reap more advantages consistent with the nature of society cannot be proposed, I will attempt to show the outlines of such a plan.

Let it be supposed, then, that the whole people in some country, after much reasoning and deliberation, should conclude that every man has an equal property in the land in the neighbourhood where he resides. They therefore resolve that if they live in society together, it shall only be with a view that everyone may reap all the benefits from their natural rights and privileges possible.

Therefore a day appointed on which the inhabitants of each parish meet, in their respective parishes, to take their long-lost rights into possession, and to form themselves into corporations. So then each parish becomes a corporation, and all men who are inhabitants become members or burghers. The land, with all that appertains to it, is in every parish made the property of the corporation or parish, with as ample power to let, repair, or alter all or any

part thereof as a lord of the manor enjoys over his lands, houses, etc.; but the power of alienating the least morsel, in any manner, from the parish either at this or any time hereafter is denied. For it is solemnly agreed to, by the whole nation, that a parish that shall either sell or give away any part of its landed property, shall be looked upon with as much horror and detestation, and used by them as if they had sold all their children to be slaves, or massacred them with their own hands. Thus are there no more nor other lands in the whole country than the parishes; and each of them is sovereign lord of its own territories.

Then you may behold the rent which the people have paid into the parish treasuries, employed by each parish in paying the Government its share of the sum which the Parliament or National Congress at any time grants; in maintaining and relieving its own poor, and people out of work; in paying the necessary officers their salaries; in building, repairing, and adorning its houses, bridges, and other structures; in making and maintaining convenient and delightful streets, highways, and passages both for foot and carriages; in making and maintaining canals and other conveniences for trade and navigation; in planting and taking in waste grounds; in providing and keeping up a magazine of ammunition, and all sorts of arms sufficient for all its inhabitants in case of danger from

enemies; in premiums for the encouragement of agriculture, or anything else thought worthy of encouragement; and, in a word, in doing whatever the people think proper; and not, as formerly, to support and spread luxury, pride, and all manner of vice. As for corruption in elections, it has now no being or effect among them; all affairs to be determined by voting, either in a full meeting of a parish, its committees, or in the house of representatives, are done by balloting, so that votings or elections among them occasion no animosities, for none need to let another know for which side he votes; all that can be done, therefore, in order to gain a majority of votes for anything, is to make it appear in the best light possible by speaking or writing. Among them Government does not meddle in every trifle; but on the contrary, allows each parish the power of putting the laws in force in all cases, and does not interfere but when they act manifestly to the prejudice of society and the rights and liberties of mankind, as established in their glorious constitution and laws. For the judgment of a parish may be as much depended upon as that of a House of Lords, because they have as little to fear from speaking or voting according to truth as they.

A certain number of neighbouring parishes, as those in a town or county, have each an equal vote in the election of persons to represent them in Parliament, Senate, or Congress; and each of

them pays equally towards their maintenance. They are chosen thus: all the candidates are proposed in every parish on the same day, when the election by balloting immediately proceeds in all the parishes at once, to prevent too great a concourse at one place; and they who are found to have a majority, on a proper survey of the several poll-books, are acknowledged to be their representatives.

A man by dwelling a whole year in any parish, becomes a parishioner or member of its corporation; and retains that privilege till he lives a full year in some other, when he becomes a member in that parish, and immediately loses all his right to the former for ever, unless he choose to go back and recover it by dwelling again a full year there. Thus none can be a member of two parishes at once, and yet a man is always member of one though he move ever so oft.

If in any parish should be dwelling strangers from foreign nations, or people from distant countries who by sickness or other casualties should become so necessitous as to require relief before they have acquired a settlement by dwelling a full year therein; then this parish, as if it were their proper settlement, immediately takes them under its humane protection, and the expenses thus incurred by any parish in providing those not properly their own poor being taken account of, is discounted by the Exchequer

out of the first payment made to the State. Thus poor strangers, being the poor of the State, are not looked upon with an envious eye lest they should become burthensome,—neither are the poor harassed about in the extremity of distress, and perhaps in a dying condition, to justify the litigiousness of the parishes.

All the men in every parish, at times of their own choosing, repair together to a field for that purpose, with their officers, arms, banners, and all sorts of martial music, in order to learn or retain the complete art of war; there they become soldiers. Yet not to molest their neighbours unprovoked, but to be able to defend what none have a right to dispute their title to the enjoyment of; and woe be to them who occasion them to do this, they would use them worse than highwaymen or pirates if they got them in their power.

There is no army kept in pay among them in times of peace; as all have property alike to defend, they are alike ready to run to arms when their country is in danger; and when an army is to be sent abroad, it is soon raised, of ready trained soldiers, either as volunteers or by casting lots in each parish for so many men.

Besides, as each man has a vote in all the affairs of his parish, and for his own sake must wish well to the public, the land is let in very small farms, which makes employment for a

greater number of hands, and makes more victualling of all kinds be raised.

There are no tolls or taxes of any kind paid among them by native or foreigner, but the aforesaid rent which every person pays to the parish, according to the quantity, quality, and conveniences of the land, housing, etc., which he occupies in it. The government, poor, roads, etc. etc., as said before, are all maintained by the parishes with the rent; on which account all wares, manufactures, allowable trade employments or actions are entirely duty free. Freedom to do anything whatever cannot there be bought; a thing is either entirely prohibited, as theft or murder; or entirely free to everyone without tax or price, and the rents are still not so high, notwithstanding all that is done with them, as they were formerly for only the maintenance of a few haughty, unthankful landlords. For the government, which may be said to be the greatest mouth, having neither excisemen, custom-house men, collectors, army, pensioners, bribery, nor such like ruination vermin to maintain, is soon satisfied, and moreover there are no more persons employed in offices, either about the government or parishes, than are absolutely necessary; and their salaries are but just sufficient to maintain them suitably to their offices. And, as to the other charges, they are but trifles, and might be increased or diminished at pleasure.

But though the rent, which includes all public burdens, were obliged to be somewhat raised, what then? All nations have a devouring landed interest to support besides those necessary expenses of the public; and they might be raised very high indeed before their burden would be as heavy as that of their neighbours, who pay rent and taxes too. And it surely would be the same for a person in any country to pay for instance an increase of rent if required, as to pay the same sum by little and little on everything he gets. It would certainly save him a great deal of trouble and inconvenience, and Government much expense.

But what makes this prospect yet more glowing is that after this empire of right and reason is thus established, it will stand for ever. Force and corruption attempting its downfall shall equally be baffled, and all other nations, struck with wonder and admiration at its happiness and stability, shall follow the example; and thus the whole earth shall at last be happy and live like brethren.

THE RIGHT OF PROPERTY IN LAND

By William Ogilvie

AN

ESSAY

ON THE RIGHT OF

PROPERTY IN LAND

With respect to its Foundation

IN THE

LAW OF NATURE

Its present Establishment

BY THE

MUNICIPAL LAWS OF EUROPE

AND

The Regulations by which it might be rendered more beneficial to the lower Ranks of Mankind

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INTRODUCTION

THE municipal laws of every country are not only observed as a rule of conduct, but by the bulk of the people they are regarded as the standard of right and of wrong, in all matters to which their regulations are extended.

In this prejudice, however natural to the crowd, and however salutary it may be deemed, men of enlarged and inquisitive minds are bound by no ties to acquiesce without inquiry.

Property is one of the principal objects of municipal law, and that to which its regulations are applied with greatest efficacy and precision. With respect to property in movables, great uniformity takes place in the laws of almost all nations; they differ only as being more or less extended to details, comprehending the diversity of commercial transactions; and this branch of jurisprudence may be said to have almost attained to its ultimate maturity and perfection.

But with respect to property in land, different principles have been adopted by different nations

in different ages; and there is no reason why that system, which now prevails in Europe, and which is derived from an age not deserving to be extolled for legislative wisdom or regard to the equal rights of men, should be supposed to excel any system that has taken place elsewhere, or to be in itself already advanced beyond the capacity of improvement, or the need of reformation.

It is to a free and speculative disquisition, concerning the foundation of this right of property in land, and concerning those modifications, by which it may be rendered in the highest degree beneficial to all ranks of men, that the author of these pages wishes to call the attention of the learned, the ingenious, and the friends of mankind.

It can give him no surprise, if the opinions he has advanced on a topic of discussion, so new and so interesting to all, shall meet with the approbation of a few only. Were they now for the first time to be presented abruptly to his own mind, he believes that they would startle his first thoughts, and perhaps might be rejected on a transient view. But the leading principles of that system which he now holds, respecting property in land, have been coeval in his mind with the free exercise of his thoughts in speculative inquiries; they have recurred often, they have been gradually unfolded, and for some years past he has been accustomed to

review them frequently, almost in their present form, with still increasing approbation.

All that he would request in their favour (and the candid will readily grant this) is, that they may not be rejected on a first disgust, and that those who cannot adopt the opinions here advanced may at least bestow some pains in ascertaining their own. These are the opinions of one individual, thinking freely, and for himself; they are erroneous perhaps and visionary; their singularity may well authorise a suspicion that they are so, and this suspicion ought to have kept them back from the public eye, but for the hope of exciting others to enter into the same train of inquiry, and no longer, in a matter of the first importance to the interests of society, implicitly to acquiesce in traditionary doctrines, never yet submitted to examination.

Free inquiry, however it may give birth to vain theories and chimerical projects, has never in any department been productive of essential detriment to the true interests of mankind. What undesirable consequences have always arisen from the stagnation of inquiry, and from silent acquiescence, even in establishments that are beneficial, and in opinions that are true, the history of mankind bears witness in every age.

It is natural to the mind, when new ideas arise on important subjects, to open itself with fondness to the pleasing impression which they make. Yielding to this seducing enthusiasm,

the author has been led to speak with freedom of great changes, suddenly to be accomplished, as practicable in some cases, and to be desired in many. Yet is he well aware that great changes, suddenly accomplished, are always pregnant with danger, and with evil, and ought on almost no occasion whatever to be desired, or brought forward by the friends of mankind. Partial reformation, gradual progressive innovation, may produce every advantage which the most important and sudden changes can promise, yet without incurring those dreadful hazards, and those inevitable evils, with which great and sudden changes are still attended.

With the greatest satisfaction of mind he avows his persuasion, that were great and important innovations respecting property in land as practicable and safe, as they are difficult and full of danger, there is no country under the sun which stands less in need of such reformation than England. Although indeed the principles of jurisprudence, respecting property in land, which the laws of England recognise, are derived from the same source, and partake of the same absurd and pernicious nature with those maxims which prevail almost everywhere on the continent of Europe, yet such has been the generosity of English landholders, such their equitable conduct towards their tenants and dependants, and such the manly spirit of the lower classes, fostered by a sense of political rights, that in

England the comfortable independence of the farmer and actual cultivator of the soil is established on as secure a footing as the most refined system of property in land deduced from the genuine principles of public good and natural right can propose to render effectual and permanent. It is to be regretted only that this comfortable independence which the farmers enjoy cannot be extended to a still greater proportion of the community. English landholders and English farmers are superior in all respects to the same class of men in other countries: in their manly vigour, their plain good sense, their humane virtues, consists the true basis of our national pre-eminence. Their blood circulates in every rank of society, their domestic manners have given the tone to the English character as displayed in all the various departments of business and enterprise; nor can any wish be formed more favourable to the prosperity of the public, than that the numbers of this class of men may be increased. To increase the number of landholders by advancing farmers to that more independent situation can never be made the object of legislative care in this country, as it might in the absolute monarchies of the continent; but to increase the number of farmers, by favouring the advancement of day labourers and manufacturers to the more animating and manly occupation of cultivating a small farm for their own account, is an object

very similar to many branches of enlightened policy which the British legislature (more than any other) has pursued with attention and success.

To the worthy and humane English landholders, and more particularly to those who of late years have voluntarily granted to their tenants an abatement of rent, this short Essay is inscribed by the Author, as to men whom he regards with high esteem, and from whom he may hope that his speculations, should they ever come to their knowledge, would meet with no unfavourable reception. Why should he not flatter himself with this hope, however seemingly vain, since uninformed by theoretical reasonings, and prompted only by the innate candour and humanity of their own minds, these respectable landholders, truly worthy of their station and of their trust, have habitually acted in conformity to those principles of public good and natural right which he is desirous to elucidate and establish?

ESSAY

ON THE

RIGHT OF PROPERTY IN LAND.

PART I.

SECTION I

Of the Right of Property in Land as derived from the Law of Nature

1. All right of property is founded either in occupancy or labour. The earth having been given to mankind in common occupancy, each individual seems to have by nature a right to possess and cultivate an equal share. This right is little different from that which he has to the free use of the open air and running water; though not so indispensably requisite at short intervals for his actual existence, it is not less essential to the welfare and right state of his life through all its progressive stages.[1]

[1] The bulk of mankind in every country are ignorant of the difference between their own laws and those of other nations; too ignorant to understand, and to value aright what is truly excellent in their own code, or to

2. No individual can derive from this general right of occupancy a title to any more than an equal share of the soil of his country. His

perceive what improvements it may still admit, and what innovations ought to be desired. In no article are they more ignorant than in respect to property in land, the established rules of which are in every country accounted permanent and immutable, as being fixed by the destination of nature.

In most countries the proprietors of land will ever retain a more than equitable authority over those who cultivate their fields, and not unfortunately for both, did they but remember that the situation of a proprietor is more allied to that of a prince than that of a merchant, and requires some degree of those generous sentiments, and that benign demeanour, which ought to adorn the highest station.

It cannot be denied, that all over Europe, those who are employed in cultivating the soil lead a very wretched life ; and that it seems very practicable to render their condition much better than it is, without rendering that of their landlords and superiors any worse.

It cannot be doubted that much more beneficial establishments of property in land than those which obtain in Europe, or almost any that are known to have obtained elsewhere, may be devised, and are capable of being instituted, and receiving form and consistence from human laws.

The present system of property in land is not adapted to times of commerce, order, and tranquillity, but to warlike and turbulent ages, when the entire dependence of great bodies of men on their leaders, and the confidence of leaders in their respective bands, were requisite for their common safety.

In the present advanced state of industry, security, and commerce, the relations and ties which arose out of this mutual dependence, with all their concomitant pleasures and advantages, are unknown ; and the landholder, who now abuses that power wherewith an obsolete establishment has invested him, to the exacting the last farthing his

actual possession of more cannot of right preclude the claim of any other person who is not already possessed of such equal share.[1]

lands can produce, and effectuating in combination with others a monopoly of that valuable and necessary commodity, is, though perhaps he knows it not, of all citizens the most pernicious. He reaps the greatest emoluments from the institutions of society, and contributes least to the increase of plenty, or preservation of order.

It were unjust to censure the proprietors of land, however, for retaining and exercising, as they do, a right whose foundations have not been inquired into, and whose extent no one has ever yet controverted. It is the situation in which they find themselves placed that prompts their conduct, nor can they readily conceive either the injustice or the detriment which the public suffers, by permitting such rights to be exercised. On the other hand, the farmers and cultivators have no clear perception of the injustice and oppression which they suffer. They feel indeed, and they complain, but do not understand, or dare not consider steadily, from what cause their grievances take their rise. The oppressive rights of the one order, and the patient submission of the other, have grown up together insensibly from remote ages, in which the present state of human affairs could not be foreseen.

[1] "God gave the earth in common to all men, but since He gave it for their benefit, and the greatest conveniences of life they were capable to draw from it, it cannot be supposed that He meant it should always remain common and uncultivated. He gave it for the use of the industrious and rational; and labour was to be his title to it." (Mr Locke on government, page 167 of Mr Hollis's edition.) Nor yet that it should be appropriated in such a manner as that, when not more than half cultivated, the farther cultivation and improvement should be stopped short, and the industry of millions willing to employ themselves in rendering the earth more fertile should be excluded from its proper field, and denied any parcel of the soil, on which it could be exercised, with security of reaping its full produce and just reward.

3. This title to an equal share of property in land seems original, inherent, and indefeasible by any act or determination of others, though capable of being alienated by our own. It is a birthright which every citizen still retains. Though by entering into society and partaking of its advantages, he must be supposed to have submitted this natural right to such regulations as may be established for the general good, yet he can never be understood to have tacitly renounced it altogether; nor ought anything less to establish such alienation than an express compact in mature age, after having been in actual possession, or having had a free opportunity of entering into the possession of his equal share.

4. Every state or community ought in justice to reserve for all its citizens the opportunities of entering upon, or returning to, and resuming this their birthright and natural employment, whenever they are inclined to do so.

Whatever inconveniences may be thought to accompany this reservation, they ought not to stand in the way of essential justice.

Although at first sight such reservation may appear incompatible with the established order of societies and the permanent cultivation of the earth, yet ought it on the other hand to be presumed, that what is so plainly founded on the natural rights of men, may by wise regulations be rendered at least consistent with the

best order and prosperity of societies, and with the progress of agriculture, perhaps, very beneficial to the one, and the highest encouragement to the other.

5. In many rude communities, this original right has been respected, and their public institutions accommodated to it, by annual, or at least frequent partitions of the soil, as among the ancient Germans, and among the native Irish even in Spenser's time.

Wherever conquests have taken place, this right has been commonly subverted and effaced.

In the progress of commercial arts and refinements, it is suffered to fall into obscurity and neglect.

6. Whatever has been advanced by Mr Locke and his followers, concerning the right of property in land, as independent of the laws of a higher original than they, and of a nature almost similar to that divine right of kings, which their antagonists had maintained, can only be referred to this original right of equal property in land, founded on that general right of occupancy, which the whole community has, to the territory of the State. This equal right is indeed antecedent to municipal laws, and not to be abolished by them. But it were a mistake to ascribe any such sacred and indefeasible nature to that sort of property in land which is established by the regulations of municipal law, which has its foundation in the right of labour, and may be

acquired by individuals, in very unequal degrees of extent, and to the accumulation of which very few states have thought fit to set any limits.

7. That right which the landholder has to an estate, consisting of a thousand times his own original equal share of the soil, cannot be founded in the general right of occupancy, but in the labour which he and those to whom he has succeeded, or from whom he has purchased, have bestowed on the improvement and fertilization of the soil. To this extent, it is natural and just: but such a right founded in labour cannot supersede that natural right of occupancy, which nine hundred and ninety-nine other persons have to their equal shares of the soil, in its original state. Although it may bar the claim of individuals, it cannot preclude that of the legislature, as trustee and guardian of the whole.

8. In every country where agriculture has made considerable progress, these two rights are blended together, and that which has its origin in labour is suffered to eclipse the other, founded in occupancy. As the whole extent of soil is affected by both rights at once, and not different parts by each; as these rights subsist together in the same subject, the limits by which their influence and extent may be discriminated from each other do not readily present themselves to the mind; and could these limits be distinctly ascertained, it may

seem still more difficult to suggest any practicable method by which the subjects of each could be actually separated and detached.

9. That every man has a right to an equal share of the soil, in its original state, may be admitted to be a maxim of natural law. It is also a maxim of natural law, that every one, by whose labour any portion of the soil has been rendered more fertile, has a right to the additional produce of that fertility, or to the value of it, and may transmit this right to other men. On the first of these maxims depend the freedom and prosperity of the lower ranks. On the second, the perfection of the art of agriculture, and the improvement of the common stock and wealth of the community. Did the laws of any country pay equal regard to both these maxims, so as they might be made to produce their respective good effects, without intrenching on one another, the highest degree of public prosperity would result from this combination.

10. Plans for the establishment of this combination are not, it must be owned, very obvious, nor have they on the other hand been very industriously sought for. Scarcely has any nation actually carried or attempted to carry into execution any plan having this for its object; and not many can be said to have attained in any period of their history those enlarged views of the public interest which might lead

to the investigation or establishment of such a plan.

Rude nations have adhered to the first of these maxims, neglecting the second. Nations advanced in industry and arts have adhered to the second, neglecting the first.

Could any plan be proposed for uniting these two maxims in operation and effect, still, in rich and industrious nations, the supposed (not the real) interests of the less numerous but more powerful orders of men, would be found in opposition to its establishment.

11. To establish a just combination of these two maxims, at the original foundation of states, so as to render it a fundamental part of their frame and constitution, or to introduce it afterwards with as little violence as may be, to the actual possessions and supposed rights and interests of various orders of men, ought to be the object of all Agrarian laws; and this object being once distinctly conceived, if wise and benevolent men will turn their attention towards it, no doubt need be entertained that very practicable methods of carrying it into execution will in time be discovered, by comparison of projects, or from the result of trials.

12. When any piece of land is sold, the price paid by the purchaser may be considered as consisting of three parts, each being the value of a distinct subject, the separate amount of which, men skilful in agriculture, and acquainted

with the soil of the country, might accurately enough appreciate.

These parts are :

(1st) The *original* value of the soil, or that which it might have borne in its natural state, prior to all cultivation.

(2nd) The *accessory* or *improved* value of the soil : that, to wit, which it has received from the improvements and cultivation bestowed on it by the last proprietor, and those who have preceded him.

(3rd) The *contingent*, or *improvable* value of the soil : that further value which it may still receive from future cultivation and improvements, over and above defraying the expense of making such improvements ;—or, as it may be otherwise expressed, the value of an exclusive right to make these improvements.

If, in England, 100 acres of arable are sold for £1500, money being at 5 per cent., the contingent value may be reckoned £500—for the superior value of that security which land gives may, in a general argument, be supposed to be counterbalanced by the trouble of management. Of the remaining £1000, two or three hundred may be computed to be the original value of the soil, a judgment being formed from the nature of the adjoining common, and the £700 or £800 remaining is to be accounted the amount of the accessory or improved value. In this example, these three parts of the general

value are to one another as 2, 8, and 5. If the example is taken from a hundred acres in Bengal, or the lower Egypt, the proportion of the parts may be supposed to be 10, 4, and 1. If from 100 acres of uncultivated moorland, in Ireland, or the northern counties of England, the proportion of the parts may be as 1, 0, and 14.

13. The estate of every landholder may, while he possesses it, be considered as capable of being analysed into these three component parts; and could the value of each be separately ascertained by any equitable method (as by the verdict of an assize), it would not be difficult to distinguish the nature and the extent of his private right, and of that right also which still belongs to the community, in those fields which he is permitted, under the protection of municipal law, to possess. He must be allowed to have a full and absolute right to the original, the improved, and contingent value of such portion of his estate, as would fall to his share, on an equal partition of the territory of the State among the citizens. Over all the surplus extent of his estate, he has a full right to the whole accessory value, whether he has been the original improver himself, or has succeeded to, or purchased from the heirs or assignees of such improver. But to the original and contingent value of this surplus extent he has no full right. That must still reside in the community at large, and, though seemingly neglected or relinquished,

may be claimed at pleasure by the legislature, or by the magistrate, who is the public trustee.[1]

14. The difficulty of ascertaining these different sorts of value, and of separating them from one another, if ascertained, may be supposed in general to have prevented such claims from being made. It is particularly difficult to distinguish the original from the accessory value; nor is the community much injured by suffering these to remain together in the hands of the greater landholders, especially in countries where land-taxes make a principal branch of the public revenue, and no tax is imposed on property of other kinds. The original value of the soil is, in such states, in fact, treated as a fund belonging to the public, and merely deposited in the hands of great proprietors, to be, by the imposition of land-taxes, gradually applied to the public

[1] Even in those countries where the extensive rights of the proprietors of land are most firmly established and guarded, as in Britain, by laws which they themselves have framed, the magistrate, when any public occasion requires it, as in constructing new roads, canals, and streets, building bridges and fortifications, obliges the proprietors, for a reasonable compensation, to part with as much of the soil as may be requisite for the intended works.—There is nothing wanting to complete the prosperity of Europe, but a rule, or familiar method, according to which the landholders may be made, for a like compensation, to part with such portions of the soil as are wanted from time to time, for the accommodation of particular citizens, desirous to employ their industry and their stock in the cultivation of the earth, with full security of reaping the due reward.

use, and which may be justly drawn from them, as the public occasions require, until the whole be exhausted. Equity, however, requires that from such land-taxes those small tenements which do not exceed the proprietor's natural share of the soil should be exempted. To separate the contingent value from the other two is less difficult, and of more importance; for the detriment which the public suffers by neglecting this separation, and permitting an exclusive right of improving the soil to accumulate in the hands of a small part of the community, is far greater, in respect both of the progress of agriculture, and the comfortable independence of the lower ranks.[1]

[1] If the original value of the soil be the joint property of the community, no scheme of taxation can be so equitable as a land-tax, by which alone the expenses of the State ought to be supported, until the whole amount of that original value be exhausted; for the persons who have retained no portion of that public stock, but have suffered their shares to be deposited in the hands of the landholders, may be allowed to complain, if, before that fund is entirely applied to the public use, they are subjected to taxes, imposed on any other kind of property, or any articles of consumption.

How preposterous, then, is the system of that country which maintains a civil and military establishment, by taxes of large amount, without the assistance of any land-tax at all!—In that example may be perceived the true spirit of legislation, as exercised by landholders alone.

Without regard to the original value of the soil, the gross amount of property in land is the fittest subject of taxation; and could it be made to support the whole expense of the public, great advantages would arise to all orders of men. What then, it may be said, would not

in that case the proprietors of stock in trade, in manufacture and arts, escape taxation, that is, the proprietors of one-half the national income? They would indeed, be so exempted; and very justly, and very profitably for the State; for it accords with the best interests of the community, through successive generations, that active progressive industry should be exempted, if possible, from every public burden, and that the whole weight should be laid on that quiescent stock, which has been formerly accumulated, as the reward of an industry which is now no longer exerted.

A just and exact valuation of landed property is the necessary basis of an equal land-tax, and the tenant in mortgage ought to sustain a proportional share of the burden, in the actual landholder's stead.

To keep a land-tax equal, the valuation ought to be renewed from age to age.

If that valuation returns periodically after long intervals, of half a century or more, instead of repressing the progress of improvement in agriculture, it will tend to excite the utmost diligence in that pursuit.

If in any country there is reason to apprehend that the encumbered state of the finances will constrain the rulers of the State, in a short time, to have recourse to this great fund, the expectation of a new valuation will damp the progress of agriculture; and the intelligent friends of the public good ought to desire that a scheme which cannot be avoided should take place without delay.

SECTION II

Of the Right of Property in Land, as founded on Public Utility

15. The increase of public happiness is the true primary object which ought to claim the attention of every state. It is to be attained by increasing the common standard or measure of happiness, which every citizen may have a chance of enjoying under the protection of the State; and by increasing the number of citizens, who are to enjoy this common measure of happiness. The increase of opulence, or of dominion, are subordinate objects, and only to be pursued, as they tend to the increase of happiness, or of numbers; to both of which they are in some respects, and in certain cases, unfriendly.[1]

[1] It would be unjust to assert that the landholders have premeditated and intended to effect this oppression of the cultivators, so injurious to that order of men, and so little profitable to the landholders themselves; it would be a mistake to suppose that it has been accomplished by any concerted plan of iniquity and fraud. No, it is the course of things that has brought it gradually forward: the natural submission of dependents has been insensibly enforced to this degree; the cultivators have

16. Whatever regulations tend directly to increase the common measure of happiness, enjoyed by each individual citizen, tend assuredly to increase the number of citizens. But every regulation tending to increase the number of citizens does not certainly tend to increase the common measure of happiness, and in various situations of the community, may tend to diminish it. The first sort of regulations is therefore to be preferred, in case of interference, to the second.

17. The happiness of individuals, or of any great body of men, is nearly in proportion to their virtue and their worth. That manner of life, therefore, which is most favourable to the virtue of the citizens, ought, for the sake of their happiness, to be encouraged and promoted by the legislature. Men employed in cultivating the soil, if suffered to enjoy a reasonable independence, and a just share of the produce of their toil, are of simpler manners, and more virtuous, honest dispositions, than any other class of men. The testimony of all observers, in every age and country, concurs in this, and the reason of it may be found in the nature of their industry, and its reward. Their industry is not like that of the labouring manufacturer, insipidly uniform, but varied,—it excludes idle-

not been sufficiently aware to protect their own right; still less has the sovereign power been attentive to protect the most useful order of men in the State.

ness without imposing excessive drudgery, and its reward consists in abundance of necessary accommodations, without luxury and refinement.

18. The families which are employed in this healthful industry, and live in this comfortable independence, increase more than others in different situations of life. It is by their progeny chiefly that the waste of great cities, of armies, navies, commercial and manufacturing occupations is continually supplied.

19. The labour of men applied to the cultivation of the earth tends more to increase the public wealth, for it is more productive of things necessary for the accommodation of life, wherein all real wealth consists, than if it were applied to any other purpose; and all labour applied to refined and commercial arts, while the State can furnish or procure opportunities of applying it to the cultivation of the soil, may be said to be squandered and misapplied, unless in so far as it is given to those liberal arts, whose productions operate on the mind, and rouse the fancy or the heart.

20. The most obvious, the surest, and least equivocal indication of prosperity and happiness is the strength and comeliness of a race of men.[1]

[1] If it be asked what is the most natural state of human kind, it may be replied, that in which the whole tribe or race approach near to one common standard of comeliness and strength, without any mixture of deformed, dwarfish, or mutilated individuals. In other species of animals, this is always found to take place in their natural state.

21. Those who are employed in agriculture, if not oppressed by the superior orders, if permitted to enjoy competent independence and rustic plenty, remote from the contagion of intemperance, are known to excel in strength, comeliness, and good health, every other class of men in civilized nations ; and are only excelled in those respects by some simple tribes of men, who enjoy the advantages common to both in a still higher degree.

22. From all these considerations it may perhaps appear that the best, plainest, and most effectual plan which any government can pursue for increasing the happiness and the numbers of its people is to increase the number of independent cultivators, to facilitate their establishments, and to bring into that favourable situation as great a number of citizens as the extent of its territory will admit. Of two nations equal in extent of territory and in number of citizens, that may be accounted the happiest in which the number of independent cultivators is the greatest.

23. Any given country will then have the greatest possible number of independent cultivators, when each individual of mature age

If we would ascertain whether the slaves of antiquity were more or less happy than the modern artisans, manufacturers, cottars, and men of various degraded ranks and vocations, abounding in great cities, we ought to inquire whether they degenerated as perceptibly, and became as dwarfish and deformed, as the races of these men become.

shall be possessed of an equal share of the soil; and in such country the common measure or standard of happiness will probably have reached its highest degree.

Whether therefore we inquire into the natural rights and privileges of men, or consult for the best interests of the greater number, the same practical regulations for the economy of property in land seem to result from either inquiry.

24. Whatsoever plans seem to promise the increase of wealth, happiness, and numbers in any other channel than the freedom and independence of cultivation, are of a more doubtful nature, and may well have their claim to public encouragement postponed until this paramount object of good policy be carried to its utmost perfection.[1]

[1] That nation is greatly deceived and misled which bestows any encouragement on manufactures for exportation, or for any purpose but the necessary internal supply, until the great manufactures of grain and pasturage are carried to their utmost extent. It can never be the interest of the community to do so; it may be that of the landholders, who desire indeed to be considered as the nation itself, or at least as being representatives of the nation, and having the same interest with the whole body of the people.

In fact, however, their interest is, in some most important respects, directly opposite to that of the great body of the community, over whom they exercise an ill-regulated jurisdiction, together with an oppressive monopoly in the commerce of land to be hired for cultivation.

The encouragements granted to commerce and manufactures, and so universally extolled, seem merely schemes

25. Manufactures and commerce promise such augmentation of wealth and people. Some degree of both is requisite for the progress of agriculture, and must attend it; but neither of them can in any situation of things have any title to encouragement at the risk of obstructing independent agriculture. The balance of their respective claims may always be adjusted in the most unexceptionable manner, by leaving men wholly to their free choice, and removing all obstruction and monopoly equally from the pursuit of both. Let all freedom be given to him who has stock, to employ it in any sort of trade, manufacture, or agriculture, that he may choose; and let it be made equally easy for the farmer to acquire the full property of the soil on which he is to exercise his industry, as for the manufacturer to acquire the full property of the rude materials he is to work up.[1]

devised for employing the poor and finding subsistence for them, in that manner which may bring most immediate profit to the rich: and these methods are, if not deliberately, at least without inquiry, preferred to others, which might bring greater advantage to the body of the people directly, and ultimately even to the rich themselves.

[1] The progress of agriculture will more readily excite the activity of manufactures, and carry that branch of national industry to its proper pitch, than the progress of manufactures will carry agriculture to its most prosperous state, though each, it must be confessed, has a reciprocal influence on the other.

In certain countries, manufactures seem to have advanced beyond their proper pitch, and begin very sensibly to affect the race of people and their manners.

26. That every field should be cultivated by its proprietor, is most favourable to agriculture, and cultivation. That every individual who would choose it should be the proprietor of a field, and employed in its cultivation, is most favourable to happiness, and to virtue. In the combination of both circumstances will be found the most consummate prosperity of a people and of their country,—and the best plan for accommodating the original right of universal occupancy with the acquired rights of labour.[1]

Notwithstanding the great progress which agriculture has made in England, still greater remains to be made: though regarded by foreign nations as an example worthy of imitation, it remains for Britain still to surpass the best examples hitherto given.

The chief obstacle to rapid improvement of agriculture is plainly that monopoly of land which resides in the proprietors, and which the commercial system of the present age has taught them to exercise with artful strictness, almost everywhere.

[1] The fields around every gentleman's seat are cultivated in a better manner, and raised to a higher degree of fertility, than those of the adjacent farms, because they have been for ages cultivated by the proprietors of the soil: in them is seen to what degree of fertility the whole cultivable lands of any country may be brought, were every field in like manner cultivated by its proprietor.

There is no natural obstacle to prevent the most barren ground from being brought by culture to the same degree of fertility with the kitchen garden of a villa, or the suburbs of a great town. An attentive application of the natural manure of the fields may effect it in a long course of time: the plentiful and judicious use of extraneous manures, the great fund of which in the limestone quarries and marl pits of the earth cannot be exhausted, will accomplish it in a much shorter period;

but the present care and the secure interest of a proprietor is required for both.

With a view to depreciate the public credit and resources of this nation, it has been observed that England has almost no uncultivated land to be improved. But the author (Dr Franklin, in a paper circulated in 1777) of that observation knows well, that four-fifth parts of the cultivated lands of England are cultivated in a very imperfect manner, and may yet be raised to a fertility twice if not three times as great as that which they presently have.—This is a fund to which the wisdom of the nation may sometime have recourse, and by which the industry and internal wealth of the community may be supported, even in the worst extremities ; nor can it be torn from us but with the independence of the State.

An unlimited property in land ought not to be possessed by any citizen ; a restricted property in land cannot be communicated to too great a number.

That high prosperity which some states have attained, by the encouragement of manufactures, and the prosecution of commerce, on enlarged and liberal principles, has become of late the object of emulation, perhaps of envy, to others, so that all civilised nations are now impatient to become manufacturing and commercial in their turn. Yet before the example was set, no one had apprehended the possibility of exciting so much active industry, nor the important effects it was to produce in the great system of Europe.

Hereafter, perhaps, some fortunate nation will give the example of setting agriculture free from its fetters also, and of introducing a change in that department of industry, similar to that which has been accomplished in manufactures and commerce, by the dissolving of monopolies, and removing obstructions and restraints. A new emulation will then arise among the nations hastening to acquire that still higher vigour and prosperity, which the emancipation of the first and most useful of all arts cannot fail to produce.

Cultivation by slaves, by villeins, and by *metayers*, have succeeded one another all over the west of Europe. In England, even the last of these is totally worn out, and has given place to cultivation by farmers, whilst in France

two-third parts of the land is still cultivated by *metayers*, and in Germany, Hungary, Poland, and Russia a yet greater proportion is still cultivated by villeins and slaves. In all these successive changes the landholder has still found his advantage in communicating to the occupier of the ground a greater and greater degree of security in his possession, and the public prosperity has kept pace with this good administration of the landholder's private estate. England perhaps owes that power and lustre, by which she surpasses other nations, chiefly to her having preceded them in the prosecution of these changes. Ought it not therefore to be tried whether the landholder may not still further improve his own interest, as well as the public good, by pursuing the same line a little farther, and communicating still greater security and independence to the cultivators of his fields ?

No impracticable Utopian scheme can be said to be suggested, in proposing that property in land should be diffused to as great a number of citizens as may desire it : that is only proposing to carry somewhat farther, and render more extensive, a plan which the experience of many ages has shown to be very practicable, and highly beneficial in every public and private respect.

It is the oppression of the landholders and their agents, which has ever been the bane of Europe, more than even the oppression of the most arbitrary governments ; and the absence of this more close and prying oppression renders the despotic governments of the East not intolerable to their subjects. However numerous and powerful that body of men, by whom this oppressive right is presently exercised, it may in the course of ages be reduced within proper limits, as other exorbitant invasions of the common rights of men have sometimes been.

The institutions of the Mosaical law respecting property in land have been but little attended to by the learned.

To that most respectable system an appeal may be made in support of these speculations ; for the aim of the Mosaical regulations plainly is, that every field should be cultivated by its proprietor, and that every descendant of Jacob should possess in full property a field which he might cultivate.

Whoever shall consider the probable effect of such an institution in increasing the number of people, will cease to wonder at the uncommon populousness of Judea in ancient times. The same effect might be renewed in that country, could these Agrarian regulations be restored to their force. The same effect might be exhibited in almost any district of Europe in which they could be established for any length of time.

While sovereigns, judges, and clergymen, have made continual reference to the Mosaical law, as to a standard by which their regulations and their claims were justified and enforced, it may seem strange, and worthy of regret, that the common people have never had recourse to the same standard, and claimed the advantages of an Agrarian institution, so favourable to the independence of agriculture, the increase of population, and the comfortable state of the lower classes of men.

Occasion will be found of treating more at length of the Mosaical Agrarian, considered as an economical regulation, in a history of property in land, which may hereafter be offered to the public.

In any just system of regulations relative to property in land, the chief difficulty must be to reconcile the interests of an improving agriculture with the natural rights of every individual to a certain share of the soil of his country ; but in the present state of municipal law in Europe, the interest of improving agriculture is sacrificed, and yet the right of the people to a common possession, or to equal shares on partition, is not provided for. Both are given up, in favour of the lordly rights of one pre-eminent order of men.

SECTION III

Of the Abuses and Pernicious Effects of that Exorbitant Right of Property in Land which the Municipal Laws of Europe have established.

27. The means by which a state may attain or approach near to this consummate prosperity cannot be thought to exceed the compass of human wisdom duly applied ; yet if we consider the nature and the effects of that system of property in land, which has superseded all others in the enlightened nations of Europe, and against which hardly any complaint has arisen, we shall find them very different from what might be expected of any system, in which even the smallest attention was paid to the natural rights, or the attainable happiness of the great body of the people.

Of a million of acres, scarcely twenty thousand are cultivated by proprietors.

Of a thousand citizens, masters of families, scarcely five hundred are employed in cultivating the soil for their own account, while four hundred and fifty of the remainder would prefer (or at the time of choosing their employment for life

would have preferred) that to their present occupation, could they procure on reasonable terms the opportunity of exercising it.

Of five hundred cultivators, not more than twenty are proprietors, or have any permanent tenure of the soil which they cultivate.

Of ten thousand acres, scarcely ten are raised to that highest degree of fertility which experience has shown that the common soil of the country may be brought to, by the judicious culture of occupiers, to whom the remotest advantages of that improvement are secured.

Of one thousand people, not five can be thought to be endowed with that degree of strength and comeliness, which nature seems to have intended for the human race.

28. All these untoward circumstances, which take place in most countries in Europe, in a higher degree than what is here specified, may be traced up, as to their cause, to that exclusive right to the improvable value of the soil which a few men, never in any country exceeding one-hundredth part of the community, are permitted to engross—a most oppressive privilege, by the operation of which the happiness of mankind has been for ages more invaded and restrained, than by all the tyranny of kings, the imposture of priests, and the chicane of lawyers taken together, though these are supposed to be the greatest evils that afflict the societies of human kind.

29. The silent but pervading energy of this oppression comes home to the bosoms and to the firesides of the lowest orders of men, who are thereby rendered mean-spirited and servile. It begets in them also, for their own defence, so much cunning, fraud, hypocrisy, and malignant envy towards those who enjoy affluence, that by its wide and continual operation the virtue of mankind is more corrupted, and their minds more debased, than by all the luxury and ostentatious meanness of courts, together with the debauched indigence and riotous profusion of great cities.

30. Whatever good reasons may be given for restraining money-holders from taking too high interest, may with still greater force be applied to restraining proprietors of land from an abuse of their right. By exacting exorbitant rents, they exercise a most pernicious usury, and deprive industry that is actually exerted of its due reward. By granting only short leases, they stifle and prevent the exertion of that industry which is ready at all times to spring up, were the cultivation of the soil laid open upon equitable terms.[1]

[1] For what reason is the money-holder prohibited from taking the highest interest, or premium, which he can bargain with the borrower to give? Chiefly, that he may not thus have it in his power to damp the active spirit of commerce and of industry, by levying too high a tax on the means by which it is to be exerted. Why then should not the landholder be restrained from taxing at

31. It is of more importance to the community, that regulations should be imposed on the proprietors of land, than on the proprietors of money; for land is the principal

too high a rate the means of exerting that sort of industry which is of all others the most essential to the community; and is even necessary for the salutary occupation and best condition of the greater number of its members? In restraining the interest of money, the legislatures of most countries have not feared to impose a check on the free enjoyment of the reward of industry in its most recent form; for that reward in its first accumulation, and nearest to the sources, consists always of money, to be lent out at interest, which is afterwards converted into property in land.

All other kinds of property, as that of the money-holder in his cash, of the inventor in his inventions, even that of the writer in his books, are limited and regulated, by the consideration of what is supposed to tend to the greatest public utility: why ought not then the property of the landholder in his lands, which is the most extensive and most important of all, be submitted to restrictions of the same tendency?

Much praise has been bestowed, and not unjustly, on the advantages of that free circulation and ready commerce which is now established in most countries of Europe. It is, indeed, extremely favourable to the industry of men, and to the provision of a supply for all their wants, that whoever possesses skill, art, or diligence of any kind, may find the materials whereon to exercise his talents at a moderate price; and may bring the produce of his labour to a free market.

This freedom is enjoyed completely by every sort of mechanic, manufacturer, and artist, excepting only the cultivator of the ground, who is of all others the most essential artisan to the welfare of the community.—He, indeed, in many countries may now bring his produce to a free and open market, but he cannot so easily find the rude materials of his industry at a reasonable price: for

stock of every nation, the principal subject of industry, and that the use of which is most necessary for the happiness and due employment of every individual.

32. Nor is it less practicable to adapt regula-

he is confined in his inquiry and choice to that narrow district of country with which he is acquainted, and even to the small number of farms that may happen to fall vacant about the same time with his own : in this narrow district a monopoly is established against him in the hands of a few landholders ; in this respect his situation is much inferior to that of the artisan, who can go to a cheap market wherever it is found, and can bring his rude materials from a great distance to his home ; but the cultivator must carry his home to his rude materials when he has found them.

In another more important respect, the condition of the cultivator is still worse : every other artisan, when he has purchased his rude materials, becomes sole proprietor of them for ever, and whatever skill or diligence he bestows in improving or refining them, whatever additional value he gives them, no other person has any right to the whole or to any part of it. It is rarely, indeed, that the cultivator can purchase his materials on such terms; the fields he has improved he must surrender at a fixed period, and cannot separate the improvements he has made to carry them away with him. Is he not nearly in the state of a borrower of money, who, after thirty-one years' certain possession of the sum borrowed, paying regularly a large interest, should be obliged to refund the capital, and to pay along with it whatever he had gained by the use of the money, and had not thought proper to spend in his daily subsistence ?

Would it not at least be fair, that if the cultivator cannot purchase his rude materials in perpetual property, he may be permitted to carry off the additional improvement he has made ; or (if that cannot be separated from the original subject) entitled to require some equivalent for its value ?

tions to the use of land than to the use of money, were the legislative body equally well inclined to impose salutary restrictions on both. The glaring abuses of the one might be as effectually prevented as those of the other; although the total exclusion of all manner of abuse from either, is not to be looked for. But that class of men in whom the strength of every government resides, and the right of making or the power of influencing and controlling those who possess the right of making laws, have generally been borrowers of money and proprietors of land.

33. Simple rustics are naturally averse to quit their native soil, and the narrow circuit of that neighbourhood in which their youth has been spent. Hence the unlimited right of property in land becomes a monopoly in the hands of the proprietors of every district: a monopoly which tends not less to the starving of their fellow-citizens, than a monopoly of bakers without any control or inspection of the magistrate would do. It will not produce its effects very suddenly indeed: it is only a lingering piecemeal famine, under which the individual languishes, and the race becomes dwarfish, debilitated, and deformed.[1]

[1] The monopoly of rude materials, indispensably requisite for carrying on any branch of industry, is far more pernicious than the monopoly of manufactured commodities ready for consumption. The monopoly possessed by landholders is of the first sort, and affects the prime material of the most essential industry.

34. What other cause than this pernicious monopoly can be assigned, why population has

This monopoly, indeed, cannot be said to take place in any country, until the age of military suite and services be past, and the reign of law and of order well established. Till that time the landholder stands no less in need of brave and strong men to assist and defend him, and attached to his interest, than these men stand in need of cultivable soil on which their industry may be exercised in the intervals of tumult, and from which the subsistence of their families may be procured. Each party, therefore, having a commodity to traffic, of which the other stands in need, the bargain will be made on equitable terms.

The monopoly possessed by landholders enables them to deprive the peasants not only of the due reward of industry exercised on the soil, but also of that which they may have opportunity of exercising in any other way, and on any other subject; and hence arises the most obvious interest of the landholder, in promoting manufactures.

There are districts in which the landholder's rents have been doubled within fifty years, in consequence of a branch of manufacture being introduced and flourishing, without any improvement in the mode of agriculture, or any considerable increase of the produce of the soil. Here, therefore, the landlords are great gainers, but by what industry or attention have they earned their profits? How have they contributed to the progress of this manufacture, unless by forbearing to obstruct it? and yet from the necessity under which the manufacturing poor lived, of resorting to these landholders to purchase from them the use of houses and land, for the residence of their families, they have been enabled to tax their humble industry at a very high rate, and to rob them of perhaps more than one-half of its reward.

Had the manufacturers of such districts possessed what every citizen seems entitled to have, a secure home of their own, had they enjoyed full property in their lands, would not then the reward of their industrious labour have remained entire in their own hands?

been so long at a stand in Europe, and does not advance with nearly the same rapidity as in America; since so much land remains in every country that may be cultivated, or improved, at little more, perhaps equal, or less expense, than the forests of the new world can be cleared? Vicinity would compensate some difference in expense, but the persons who would be inclined to bestow their labour on these European wastes, cannot hope to obtain property in them on reasonable terms.[1]

35. What other reason can be given, than the influence of this monopoly, why in countries, for many ages not thinly inhabited, nor unacquainted with the arts of agriculture, so great a proportion of the soil should still remain barren, or at least far below that state of fertility, to which the judicious cultivation of independent occupiers could bring it? If in any country this monopoly were abated or removed, popula-

[1] What it is that in England restrains the early marriages of the poor and industrious classes of men? Alas! not the Marriage Act, but a system of institutions more difficult to be reformed; establishing in a few hands that monopoly of land by which the improvable as well as the improved value of the soil is engrossed. It is this which chiefly occasions the difficulty of their finding early and comfortable settlements in life, and so prevents the consent of parents from being given before the legal age. It is this difficulty which even after that age is passed still withholds the consent of parents, restrains the inclinations of the parties themselves, and keeps so great a number of the lower classes unmarried to their thirtieth or fortieth years, perhaps for their whole lives.

tion and agriculture would advance together gradually, perhaps rapidly ; nor would they find any limit to their progress, until every two acres of dry land, the ridges of mountains excepted, were rendered capable of maintaining a man ; and until the population of that country, if it does not already exceed the mean population of Europe, were increased perhaps five-fold.[1]

36. While the cultivable lands remain locked up, as it were, under the present monopoly, any considerable increase of population in a particular state, though it seems to add to the public strength, must have a pernicious influence on the relative interests of society, and the happiness of the greater number. By diminishing the wages of labour, it favours the rich, fosters their luxury, their vanity, their arrogance ; while on the other hand, it deprives the poor of some share of their just reward and necessary

[1] Let it be considered what regulations a colony of men settling in a small island, just sufficient to furnish them subsistence, by the aid of high cultivation, would probably establish in order to render the independent subsistence of each individual secure, and to prevent any one, or a few, from engrossing the territory, or acquiring a greater share than might be consistent with the public good ? Just such regulations respecting property in land, it would be the interest of every state to establish at any period of its history. The supposed state of this colony, whose land, aided by the highest cultivation, is but just sufficient to maintain its people, is that to which every nation ought to aspire, as to its most perfect state ; and to that state the progress of physical causes will bring it forward, if no political obstructions are interposed.

subsistence. While this monopoly subsists, the celibacy of the Roman Catholic clergy is far less detrimental in a political light, than it has been supposed to be. Justly might that order retort on the landholders the accusation of retarding the population of the State.

37. When mention is made in political reasonings of the interest of any nation, and those circumstances, by which it is supposed to be injured or promoted, are canvassed, it is generally the interest of the landholders that is kept in view: nor would there be any mistake in this, if all men were admitted to claim, if they chose it, their natural share of the soil. The prevalence of this manner of speaking and reasoning may well be construed to indicate, amid all the artificial establishments of society, a secret though confused perception of this original right.

38. Regarding the whole wealth of the community, as belonging of right to themselves, landholders stand foremost in opposing the imposition of exorbitant taxes by the State, forgetting the exorbitancy of that taxation which they themselves impose on the cultivators of the soil, and which the sovereign may in justice, and in the way of retaliation ought to, regulate and restrain. They clamour aloud against pensions and sinecure places, bestowed by the sovereign, not adverting that their own large incomes are indeed pensions, and salaries of

sinecure offices, which they derive from the partiality of municipal law in favour of that order of men by whom its regulations are virtually enacted. The injury done to the community at large is the same, whether such unjust distribution be made by the chief magistrate, or by the system of laws itself. The injustice proceeding from the latter will always be more permanent, and more extensive. Against the tithes of the clergy, landholders have been accustomed to complain bitterly, as the bane of agriculture, as an usurpation on their own most evident rights, as wages exacted for which little or no duty is performed. But, while the bad effects of a tithe right must be acknowledged, in checking improvement, and robbing humble industry of its due reward; the right of the landholder must be allowed to operate in the same manner, with more unlimited force. The foundation of both rights, notwithstanding prejudices on either side, is precisely the same, viz., the improvident regulations of municipal law. And if any pretensions to a higher original are advanced, those in favour of the tithe right are no doubt most plausible. If considered as the reward of duties, to be performed to the public, the incomes of the clergy, after admitting all that spleen has advanced against that order of men, must appear by far better earned. How slight indeed in themselves, and how negligently performed, are those duties which the State

seems to expect at the hands of landholders, in return for their affluence?

39. The public good requires that every individual should be excited to employ his industry in increasing the public stock, or to exert his talents in the public service, by the certainty of a due reward. Whoever enjoys any revenue, not proportioned to such industry or exertion of his own, or of his ancestors, is a freebooter, who has found means to cheat or to rob the public, and more especially the indigent of that district in which he lives. But the hereditary revenue of a great landholder is wholly independent of his industry, and secure from every danger that does not threaten the whole State. It increases also without any effort of his, and in proportion to the industry of those who cultivate the soil. In respect of their industry, therefore, it is a *taille* or progressive tax of the most pernicious nature, and in respect of the landholder himself, it is a premium given to idleness, an inducement to refrain from any active useful employment, and to withhold his talents, whatever they are, from the service of his country. If the circumstances in which he finds himself placed stimulate to any exertion at all, it is that insidious vigilance by which he himself is debased, and his dependents at once corrupted and oppressed.[1]

[1] It has been required of the magistrate that he should with the same assiduity apply rewards to virtue as

40. The indirect and remote influences of this monopoly are productive of many unnatural situations and many pernicious effects, which the skill of legislature is frequently employed in vain to redress. Were this monopoly any-

punishment to vice. The part which he has to act in respect of these cases is very different. The natural sentiments of men are sufficient to repress smaller vices, and to encourage and reward great and striking virtues; but they are not vigorous enough to apply adequate punishment to great crimes, nor steady and uniform enough to secure due reward and regular encouragement to the common and ordinary virtues of human life. It is to great crimes, therefore, that the magistrate must apply fit punishment, and protection he must give to the ordinary virtues. Of these there is none which will stand more in need of his protection, or may be more effectually reached by his care, than industry. The cultivation of the soil is by far the most extensive and most important branch of national industry, and in all respects most worthy of the magistrate's peculiar attention.

Every man, and every order of men, have their peculiar commodity, which they bring to market for the service of the community, and for procuring the means of their own subsistence. It would be injustice and oppression, therefore, in any one order to impose restrictions on any other, respecting the price they may demand for their peculiar commodity. This injustice, however, certain higher orders have attempted, though generally without success, to put in practice, on various occasions, against their inferiors—against hired servants, day labourers, journeymen, and artists of various kinds—by prescribing limits to the wages they are allowed to ask or to receive.

These lower classes of citizens have only the labour of their hands for their commodity, and if any is more than another entitled to the privileges of a free and equal market, it is surely that which may be accounted more immediately the gift of nature to each.

where removed, and the cultivation of the soil laid open upon reasonable terms, the lowest classes of men would not be destitute of wherewithal to maintain their decayed and infirm relations and neighbours.[1] These charitable at-

The community has a right, no doubt, to restrain individuals from doing aught that may be pernicious or offensive : what right it can have to compel them to exert their industry for the public service, at a regulated price, may admit of question, excepting only those cases in which the safety of the State is brought into immediate and evident danger. This will not be alleged when journeymen tailors, or even farm servants, refuse to work without an increase of wages.

[1] England virtually acknowledges, by the system of her poor laws, that right of common occupation of the territory of the State which belongs to every individual citizen, and has only varied, perhaps mistaken, the natural means of rendering that right effectual.

It has been common of late to complain of, and to traduce, this the most generous and the most respectable establishment of which the jurisprudence of nations can boast. It is the monopoly of landholders that renders such an establishment necessary ; it is their discontent that aggravates the complaints against it. All men who can regard the interests of the poor, and of the landholders, with an impartial eye, will perceive that it is not less just than generous, and will find reason to think that it has proved highly beneficial to England, in respect of the spirit of her people.

The abuses which may have crept into this respectable system of laws, ought not to be alleged against its utility, for even in the most perverted state of the institution the abuses are fully compensated by equivalent advantages ; and that they are not in a great measure rectified and removed is the fault of those only whose interest and whose duty require them to attend to this care.

Even while they subsist, the chief abuses of the poor laws tend more to the advantage of the poor than of the

tentions, prompted by private affection, would be better discharged, than when they devolve on the public; and all that encouragement to idleness, that waste, and mismanagement, inseparable from poor rates, and other public institutions of this sort, would be spared. In

rich; and of all permanent institutions, there is no other, perhaps, of which this can be affirmed.

No regulation could tend more effectually to promote a reduction of poor rates than the establishment of certain branches of a progressive Agrarian law; and it might deserve consideration, whether other methods of reducing these rates, which are attempted, and which may be supposed by the poor themselves to bear hard on the freedom of their condition, ought not to be accompanied with some establishment of that nature; which, whilst it might contribute effectually to alleviate the burden of the rates, would tend, at the same time, to convert this class of men into a new source of national wealth and of increasing force.

The great amount of the poor rates is justly imputed to this, that, whilst young and healthy, the lower classes of labourers and servants do not save their wages as they might, for the assistance of their old age. The reason why they do not save for that purpose, is supposed to be the assurance they have of being maintained by the parish when they come to stand in need of it. Another reason might be given: they do not save, because they see no probable view of obtaining by such saving a comfortable settlement, in which they may spend their old age with their families around them. "I never yet knew," says a writer who has observed them well (Farmer's *Letters*, p. 294), "one instance of any poor man's working diligently, while in health, to escape coming to the parish when ill or old. Some will aim at taking little farms; but if by any means they are disappointed in their endeavours, they consider the money they have already saved as of no further value, and spend it long before they really need it." Almost all of them, it may be

any country were this monopoly abolished, sumptuary laws, which might have the most salutary effects on the manners, and character, and even on the prosperity of a people, would not be politically absurd and pernicious, as in the present state of Europe they must be confessed to be.[1]

believed, would aim at taking small farms, were the opportunities frequent, and the terms easy.

That much of the dissipation and profligacy of the poor arises from their not having a proper object of saving offered to their hopes, was surely the opinion of those who framed an excellent bill which, in 1773, passed through the House of Commons, for inviting the poor to set apart money, for the purchase of annuities, in their respective parishes and townships.

An annuity may be a very proper object for the unmarried, and those who purpose to have none but themselves to care for; but the natural object of every young peasant is a small farm on which he may settle with the companion of his affections, and raise a family of his own; for this object, if it appears attainable, far the greater number of them will work hard and save with economy.

Perhaps no better reason can be given for the great increase of poor rates in England, since the reign of Charles II. (while in Wales, they remain almost the same) than the increase of manufactures and the diminished number of small farms.

[1] Sumptuary laws have been frequently turned into ridicule, and not unjustly, as pretending to maintain an impracticable simplicity, and an unnecessary austerity of manners, among the great body of citizens; but they deserve a very different estimation, if considered as means of directing the public industry to those exertions which may be productive of the most extensive utility, and most valuable enjoyments to the community at large.

If those persons who spend their days in the manufactures of velvet and of lace could be induced to employ

In a country where the opportunities of exercising a natural employment, and finding an easy subsistence, were thus laid open to all, the temptations to theft and other violations of property would be very much diminished ; nor could it be thought necessary to restrain such crimes by the unnatural severity of capital punishments.

In such a country no suspicion could arise, no surmise would be listened to, that the invention of machines for facilitating mechanical labour, could ever be pernicious to the common people, or adverse to the prosperity of the State. The plough itself is the first machine against which any imputation of this kind could be admitted, and the time might indeed come when such imputation would be just.

41. That legislature which is not willing, or must not venture to remove this monopoly from

the same industry in raising grain, potatoes, and flax, would they not, by increasing the plenty of these necessary commodities, augment the real accommodation of a very numerous class of citizens ? And would not the happiness thence arising more than compensate the scarcity of those frivolous refinements which may be required for the gratification of a few ?

Why should it be necessary to restrain the industry which ministers to luxury ? Because the industry which is productive of essential plenty is restrained. If the cultivation of the fields was laid open on reasonable terms, would not the imposition of taxes on arts and manufactures, subservient to luxury, tend to encourage the increase of useful commodities, fit for general consumption ?

the lands of the State, owes it in justice and in tenderness to the persons born under its protection, that emigration at least should be free; or rather, that it should be encouraged and facilitated, to all who desire to remove into countries, less fully settled, in search of their natural rights, and most salutary occupation. This may indeed seem to impair the national strength, by diminution of numbers, and it will undoubtedly affect the interest of the higher ranks; but by raising the wages of labour, it must increase the prosperity of the lower and more numerous ranks.[1] To increase the prosperity and the happiness of the greater number is the primary object of government, and the

[1] To a wise and benevolent legislature it can never appear that the free course of emigration could prove detrimental to the community over which that legislature presides. For what are the effects of a free and a brisk emigration? It operates in two ways, on two different classes of men. It betters the circumstances of all those who derive their subsistence from the produce of their labour. It impairs the circumstances of all those who are supported by a tax or impost, collected from the labour of other people. It betters, therefore, the circumstances of nine millions eight hundred thousand out of ten millions of people; it impairs the circumstances of one hundred thousand; and to a hundred thousand persons, who live partly on the produce of their own labour, and partly on a tax collected from others, the effect is indifferent.

Emigration is part of the plan pursued by nature in peopling the earth; and laws directed to oppose or restrain it may be suspected of the same absurd and unnatural tendency as laws for restraining population itself.

increase of national happiness must be the increase of national strength. Besides that the equilibrium of happiness between the old country and the new would be found, long before any considerable diminution of numbers had taken place in the former. Is it not the duty then, and perhaps also the interest, of every legislature in the west of Europe, to promote the emigration of its less opulent subjects, until the condition of the lower classes of men at home be rendered nearly as comfortable as the condition of the same classes in the new settlements of North America?

42. Perhaps no government can claim to itself the praise of having attended with the same impartial care, to the interests of the lower, as of the higher classes of men. Those who are employed in cultivating the soil are placed below the regard of men in higher stations of public dignity and trust; nor are their sufferings and wrongs obtruded on every eye, like the misery of the begging poor. They themselves are not much accustomed to reflection; they submit in most countries to their hard fate, as to the laws of nature, nor are they skilled, when severer oppression has at any time awaked them to a sense of the injustice they suffer, in making known their feelings and their complaints to others. But if the intelligent, and the friends of mankind, will take some pains to inquire into the nature and extent of that oppression,

under which the industrious peasants groan in secret, and the force of that exorbitant monopoly, from whence their grievances proceed; and if such men will employ the talents which nature hath given them, in explaining these grievances, and the rigour of that monopoly, to the whole world,—Europe, enlightened Europe, will not be able to endure it much longer; and the subversion—nay, even the abatement—of this monopoly, with the abuses flowing from it, may well deserve to be accounted the best, and most valuable fruit of all her refinements and speculations.

43. If it be indeed possible to accomplish any great improvement in the state of human affairs, and to unite the essential equality of a rude state, with the order, refinements, and accommodations of cultivated ages, such improvement is not so likely to be brought about by any means, as by a just and enlightened policy respecting property in land. It is a subject intimately connected with the proper occupation and the comfortable subsistence of men; that is, with their virtue and their happiness. It is of a real substantial nature, on which the regulations of law may be made to operate with efficacy, and even with precision.

44. So powerful and salutary might the good effects of such an enlightened policy prove, so beneficial such a restoration of the claims of nature and the general birthrights of mankind,

that it might alone suffice to renovate the strength of nations, exhausted by civil war, or by great and unsuccessful enterprises; and even in the most flourishing states, it might give rise to a new era of prosperity, surpassing all example, and all expectation that may reasonably be founded on any other means of improvement.

PART II

SECTION I

Of Circumstances and Occasions favourable to a complete Reformation of the Laws respecting Property in Land, by the sovereign or legislative power.

45. If, indeed, we consider only how far the present state of property in land, even in the most flourishing and best governed nations of Europe, is removed from that more equitable and advantageous system, which tends to establish in every country the greatest number of independent freehold cultivators that the territory of the State can admit, we may almost be led to despair, that any great progress can be made towards so remote an improvement, however justly, and however much it may be desired.—On the other hand, the actual system of landed property in the West of Europe is greatly changed, and in some respects greatly improved, from what it has formerly been. It has varied its form, with the prevailing character

of successive ages ;[1] it has been accommodated to the rude simplicity of the more ancient times, to the feudal chivalry of the middle centuries, and to the increasing industry and cultivation of later more tranquil periods: it may now therefore be expected to receive a new modification, from the genius and maxims of a commercial age, to which it is too manifest that the latest establishment of landed property is by no means adapted, and that from this incongruity the most pernicious and most flagrant oppressions arise.

That free discussion which every subject now receives gives reason to hope that truth and utility will always triumph, however slowly ;

[1] In the progress of the European system of landed property, three stages may be distinguished—the domestic, the feudal, and the commercial. In the first, the condition of the cultivator was secured from any great oppression, by the affectionate sympathy of the chief of his clan.

In the second, it was still secured, and almost as effectually secured, by that need which his lord had of attachment, assistance, and support, in the frequent military enterprises and dangers in which he was engaged.

But in the commercial state there is no natural check which may establish the security of the cultivator ; and his lord has hardly any obvious interest but to squeeze his industry as much as he can. It remains, therefore, for the legislatures of different countries to establish some control for protecting the essential interests of their common people. It is an object which deserves, and will reward, their care. In the dark and disorderly ages the oppression exercised over the cultivators could not be reduced to a system. Their landlords depended on their

and various examples may be offered to confirm these hopes. In politics, in agriculture, in commerce, many errors have been rectified in theory, and even the practice in some, though not in an equal degree, reformed. And shall it be reckoned, then, that in this, the most important of all temporal concerns to the greatest number of mankind, the most pernicious errors will be suffered to remain still unrefuted, or if not unrefuted still unreformed? It is not permitted to the friends of mankind to despair of aught which may tend to improve the general happiness of their species, any more than it is consistent with a magnanimous and genuine patriotism ever to despair of the safety of our country.

assistance and military services, and would not, therefore, hazard the diminution of their attachment. If at any time the landlord endeavoured to exert more than they were inclined to give, means of concealment and evasion were not wanting, by which his rapacity might be effectually eluded. But in the present times there is no reciprocal dependence, and all means of concealment and evasion are rendered by the order of our laws uncertain, or, indeed, vain.

In those disorderly times, whatever oppression, or chance of oppression, the cultivators of the field were exposed to, they saw their landlords exposed to others perhaps greater and more frequent; there was common to both an uncertainty in the possession of their just rights; and to compensate this, a chance of obtaining by address somewhat beyond these rights. In the present times, these common chances are removed by the protection of established government. The rights of the higher orders are rendered perfectly secure, while those of the cultivators are laid open to their oppressions

There have not been wanting in former times, nor will there fail hereafter to arise in the course of human affairs, occasions, conjunctures, and situations, in which a new and perfect system of property in land might be completely established at once;—other conjunctures, other situations of much more frequent occurrence, are favourable, in a greater or a less degree, to partial reformation, and progressive improvement of the ancient system; and in many cases where public care cannot be effectually applied, the beneficence and even the interest of particular persons, well directed, may be made to produce no inconsiderable effects, and to furnish examples of that which the rulers of mankind ought to aim at producing in a large extent.

46. Conquering princes, and great revolutions effected by the prevailing force of arms, have not often made their appearance on the theatre of the world in modern times; but the longer that interval which has elapsed is, the greater probability there seems to be, that some new phenomena of this interesting sort, are about to be presented to the nations of the earth.

At the head of his victorious army, a conquering monarch has it in his power, no doubt, to re-establish in the subjected state, the inherent rights of mankind, and the system of natural justice, with regard to the property of the soil. He may even perceive it to be in all probability the best security of his new acquisi-

tions, and certainly the best foundation of his claim to immortal renown. It were an object, and a pretext which might even in the eye of reason and philosophy almost justify the ambitious desire of conquest in the breast of an heroic prince; or if it may not avail so far, no other pretext whatever can be admitted to do so.[1]

In proportion as the true principles of property in land are inquired into, canvassed, and established in theory, it becomes less improbable that heroes and conquerors, hitherto esteemed the scourges of mankind, may be led to adopt such a salutary reformation of landed property for their object; and in the same proportion it will become more easy for them to make such magnanimous and benevolent intentions generally understood, and to engage the concurrence and good wishes of all men in their accomplishment.

[1] The illustrious situation of a monarch, placed at the head of victorious armies, might well inspire with generous sentiments any mind not ignobly formed, and waken a magnanimous desire of promoting the general welfare of mankind. In this manner it has operated, even on the breasts of men, numbered with barbarians, whose names and characters can with difficulty be rescued from the obscurity of Gothic annals (see *History of the Decline and Fall of the Roman Empire*, vol. iii. p. 250). To save from oblivion such authentic examples of true heroism is one of the most pleasing tasks which a historian can have to perform: to record them for the instruction of the great and powerful, in the pages of a work which may be long and often revolved, is one of the most essential services that can be rendered to mankind.

47. The establishment of new colonies, sent forth from the civilized and populous nations of Europe, may be supposed frequently to take place hereafter. The practice seems only in its commencement, and the mistakes incident to first trials are not yet corrected. Immense tracts of vacant, or half-peopled countries, both maritime and inland, still invite emigrants and planters from every quarter. The southern regions of Africa and America, the Banks of the River of the Amazons, and the whole Continent of New Holland have scarcely yet received the first settlements of any race of men by whom they may be cultivated and filled. Siberia alone, it is thought, might contain the whole inhabitants of Europe more at ease than in their present habitations. Princes, instead of imprisoning their subjects, may come to perceive that a well-regulated exportation of men, as of any other commodity, tends to secure and to increase the domestic produce. Even Britain will no doubt find inviting occasions (and just now perhaps has them) of sending forth new colonies, on better digested plans, with happier omens,

Et quæ fuerint minus obvia Graiis.

In every such settlement there is opportunity of establishing the just and natural system of property in land, in the most advantageous form. The fundamental laws of such a colony

ought to ascertain, in precise and explicit terms, the joint property of the whole community in the whole soil—a right which in that situation of their affairs will be easily comprehended by all. They ought, further, to ascertain the permanent and indefeasible nature of this right, which no possession of individuals, nor any industry by them applied to any portion of the soil, can ever cancel or impair.

However extensive the tract of country may then be in proportion to the number of the first settlers, general rules should even then be established, having respect to a future period when the whole territory may be found too scanty for its multiplied inhabitants. By such precautions, occasionally enforced by practical examples, it seems not impossible to prevent the formation of those erroneous opinions of private right, and those habits of possession, which in countries long settled prevent the greater number of citizens from knowing or desiring to claim their natural rights in this most important point, and which would produce the most violent opposition to their just claims, if at any time they were advanced.

48. Whatever inclination a wise and benevolent sovereign may have, to communicate to all his subjects that prosperity which the reformation of property in land seems capable of diffusing, it may appear in most cases too hazardous for the public peace, and the security

of his throne, to attempt the establishment of a wise and equitable system at once, and in the whole extent of his dominions; yet in some instances a fair opportunity is given, of making a complete change in the landed property of certain subordinate states, which, though held in absolute dependence by the sovereign, are not incorporated with, but considered as essentially distinct from, the great body of his dominions—so distinct, that no innovation in the smaller realm, is likely to give any alarm, or create any jealous discontent in the other. Such is the subjection of Courland to the throne of Russia; such perhaps the dependence of Milan on the House of Austria; of Corsica on France, and of Minorca on Britain; not to mention all those dependent states which Britain and other European nations have brought under their yoke on the Continent of Asia, and in the islands of the East.

49. Great monarchs sometimes arise, who, having confirmed the authority of an absolute sovereignty by the vigour of their natural talents, and by unremitting application to the cares and occupations of their royal office, have attained such an ascendant over all ranks of their people, that without hazard they might avow themselves the patrons of the multitude, and supporters of natural justice, in opposition to all the confederated force of the powerful and the rich. Europe sees at least one prince, to whose mag-

nanimity and talents a complete and total reformation of the system of landed property in his dominions might be thought no unequal task, and to whose benevolent zeal for the general good of his people the idea of such a reformation might present itself as no chimerical project. In looking back through the records of modern ages, it is difficult to fix on another prince equally capable of conceiving so sublime a scheme, and of prosecuting the measures requisite for carrying it into execution; unless, perhaps, that father of his people, who wished only to live, that he might convince the French nation how much he loved them as his children, and who hoped to see the day when every householder throughout his dominions should put a fowl into his pot on Sunday. Had the reign of this humane prince, to whom the condition of the lower classes was familiarly known, been prolonged in peace, he might probably have bestowed more particular attention on the means by which his paternal wishes were to be realized; the talents of his faithful minister would have been exerted in such schemes, with still greater alacrity, and perhaps with greater skill, than in those warlike preparations which busied the last years of his master's reign; and the effects due to the joint endeavours of such a sovereign and such a minister must have followed.

Many princes who might succeed perhaps in carrying such schemes into execution, may not

be endowed with that magnanimous and comprehensive turn of mind, without which they cannot be formed; or are deficient in that courage, without which no trial will be attempted. Yet, if any plan may be concerted, by which it seems not unlikely that the happiness of mankind might be increased two-fold at once, where is the monarch who would not eagerly engage in such attempts, at whatever risk? Where, indeed, is that monarch who enjoys so much felicity himself in the possession of a throne, that in such a cause, with the hope of accomplishing so great an advantage to his people, and obtaining such distinguished glory for himself, he ought not to risk it all?

Mortemque pro laude pacisci

SECTION II

Of Circumstances and Occasions favourable to a partial Reformation of the Laws respecting Property in Land, by the sovereign or legislative power.

50. MANY schemes of innovation may be thought of, which, without amounting to a complete change, or the establishment of the best system of property in land, might yet recommend themselves to the attention of absolute monarchs, as being more suddenly, and therefore more safely, to be carried into execution, than any total reformation can be, and productive of very beneficial effects, though not of the best.

Such as, 1st. To fix the rent of every farm for ever, and limit the duration of all leases to a single life of the tenant; that is, to convert leases into benefices.

2ndly. To make the duration of every lease perpetual, so long as the tenant may choose to make an addition of one-twelfth, or some other just proportion of the present rent, at the end of every thirty years.

3rdly. To make the duration of every lease perpetual, reserving to the landlord a stated proportion of the annual produce, suppose one-fifth to be paid in the staple commodity of the country; the amount of this produce to be ascertained by a jury, once in thirty years, if the landlord require it, or in twenty, if the tenant chooses.

4thly. To convert all farms into freeholds, with a reservation of the present rent to the landlord, transferring at the same time all land taxes and all public burdens whatever, with all their future augmentations from the landlord, to the new freeholders, formerly his tenants.

5thly. To establish a sort of jubilee, with regard to property in land, by enacting, that at the expiration of fifty years after the last purchase of an estate in land, every farm shall become freehold in the hands of the farmer, with reservation of the average rent of the last seven years to the landlord.

These are examples only; many other schemes might be easily devised.

By the 1st, the landlord receives power in exchange for gain, and by the 4th, a lucrative exemption, in place of the uncertain increase of a racked rent.

By the 3rd, the claims of both parties are compromised in a manner scarcely less favour-

able to the landlord, and far less oppressive to the cultivator, than the conditions of leases for a limited time commonly are.

By the 2nd, the cultivator, and by the 5th, the landlord, would be excited to a diligent improvement of the fertility of the soil.

In all cases, the farms thus converted into freehold should be made subject at the same time to the laws of gavel-kind, until they are subdivided into allotments of less than forty acres, or whatever other standard may be fixed upon as best suited to the state of the community and the nature of the soil.

51. It has sometimes happened, though too rarely, that all ranks and orders of men in a state, forgetting for a while their subordinate and particular interests, are disposed with concurring wishes to seek for, and to adopt whatever schemes may contribute most effectually to the public good, and may become the foundations of lasting order and prosperity. Such seems to have been the prevailing disposition of the Romans, when the laws of the twelve tables were enacted ; such nearly that of Athens, when Solon was intrusted by his fellow citizens to compose a body of laws for their country ; and such that spirit which ought to pervade, and has in general pervaded every community of men, while contending for independence, against the efforts of a more powerful state.

Should ever any happy concurrence of dis-

posing causes produce such a temporary disposition in any of the Western nations of Europe; could the legislature, prompted by enlightened zeal for the universal good, set at naught the discontents which might arise in any particular class, and remove with ease all opposition made to their generous purposes; in this fortunate situation, it might occur to them, perhaps, that a just regulation of property in land is, of all those arrangements which the present moment could give opportunity of establishing, the most essential for diffusing prosperity and independence among the body of the people.

Pursuing this idea, biassed by no influence, awed by no faction, they might be led to enact a law, by which every person inclined to employ himself in cultivating the earth for his own subsistence, and that of his family, should be entitled to claim in full property a reasonable share of the soil of his country; without prejudice, however, to the just rights of any other persons who may have previously bestowed their industry in cultivating and improving the same spot.

Such a law might, from the nature of its operation, be not unfitly denominated a progressive Agrarian, and might be comprised in the following articles, or others of similar effect:

I. That every citizen, aged twenty-one years or upwards, may, if not already in

possession of land, be entitled to claim from the public a certain portion, not exceeding forty acres, to be assigned him in perpetuity, for cultivation and residence, in the manner and under the conditions hereafter specified.

II. That the claimant shall have right to choose the situation of his allotment, on any farm, freehold, or uncultivated common, within his own parish, if the same be not excepted by the other provisions of this law. If there be no unexcepted land in his own parish, he shall have right to choose in any of the parishes contiguous to his own; and if in these there be no unexcepted land, he shall have right to choose throughout the whole district or county.

III. This allotment shall be set apart, and its landmarks fixed by the magistrate, with the aid of an assize, or of arbitrators chosen by the parties. It shall be marked out, in the manner most convenient to both the old and the new occupiers; it shall approach to a square, or some other compact form; one of its sides shall run along the boundary of the old farm; and it shall have communication with some road already patent.—None of

these circumstances to be departed from without the consent of both parties.

IV. The ground thus set apart shall be submitted to the cognizance of an assize, or of arbitrators chosen by the parties, who shall determine what reserved perpetual rent the claimant must pay to the landlord, and what temporary rent to the former tenant (if any), in compensation of their rights.

V. The following farms are to be exempted from all such claims.—Every farm from which, if the allotment claimed is taken away, less than forty acres will remain to the first tenant.—The farm or park belonging to the lord of the manor, the same bearing a regulated proportion only to the extent of his estate.—Every farm of whatever extent that has not been fifteen years occupied by the present tenant.—Every farm whose arable ground has been diminished one-half by claims founded on this law, shall be exempted for twenty years to come, if the tenant so desire.—All farms of barren ground taken for the sake of improvement, under such forms and regulations as may prevent the collusive evasion of this law.

VI. The person thus acquiring property in land shall continue to reside upon his farm. He shall have right to transmit it to his heirs or assignees in full property, or under a reserved rent, but shall not have, nor transmit the right of alienating it with reversion, that is of letting the whole, or any, part of it in lease.—If he sells to another, who shall not reside upon it, but annex it to some other farm, one-tenth part of the price, or of the reserved rent, shall belong to the public.

VII. The property acquired in these allotments shall not carry along with it any right of common of any sort in the commons, woodlands, private roads, or other appendages of the manor, excepting only, in the nearest well and watering-pond, and in the bog or common for turf, if that is the fuel of the country; in which case this right is to be regulated by the usages of the manor, as if the allotment had been given off in lease only. Neither shall any use, prescription, or connivance ever in course of time procure to the holder of such allotment any right of common, that is not founded on and ascertained by express compact.

The Agrarian laws of antiquity seem to have failed in producing durable and beneficial effects chiefly from two circumstances:

(1st) Their operation was sudden, violent, and occasional only, whereas the progressive Agrarian is so constituted as to exert a continual influence, more or less intense, in proportion as the general interests of the community may require.

(2nd) The ancient Agrarian laws were easily, and thus generally, evaded; as they opposed the whole body of those who wanted lands, to the whole body of those who possessed more than the legal allotment, without assigning to individuals a specific right in any particular fields or district, a general convulsion of the State must have attended every attempt to call forth the energy of law. To avoid these tumults, all persons soon became disposed to connive at various evasions of these laws, and to acquiesce in their falling into desuetude, until some popular leader arose and called anew for their restoration. But the progressive Agrarian assigns particular definite rights to a few men, within every district of moderate extent;

it opposes the natural claims and the indigence of these few men to the exorbitant possessions and the opulence of a still smaller number within the same district. The facility of evasion must be much diminished by this regulation. The vigilance of the claimants, being confined to a narrow space, will be more awake and precise; their limited rights founded on a local claim, and derived from their birth, will be more distinctly conceived by themselves, and more readily supported by the concurring sentiments of all other men.

52. Without venturing to make openly any alteration in that system of landed property, which, like systems of corrupted religion, is regarded with superstitious reverence in countries where it has long obtained, many occasions will occur, whereof advantage may be taken to introduce under the cover of other objects, and as part of the usual proceedings of the State, such regulations as may tend very effectually, though by remote and indirect influence, to promote the independence of the plough, and the distribution of property in land, in small allotments, among the lowest ranks of the people.

If, for example, new taxes are to be levied, what subjects of taxation can be more justly

liable to the imposition, or more productive, than large farms and short leases?[1] The landlord, by adopting these plans in the management of his estate, means to derive advantage to himself, from measures which at once obstruct the increase of population, and diminish the spirit and independence of the common people; and if his right to make these invasions on the public good cannot be directly attacked, let him at least be obliged to indemnify the public in some degree, by some other mode, more familiar to the minds of men.

A tax imposed on barren lands, and so regulated as to engage the proprietor in their immediate cultivation, or oblige him to resign them to the community for general distribution, could

[1] Any tax imposed on extensive farms might from its novelty be regarded as a grievance; but the servants' tax, which is so justly popular, might be applied to the same purpose, if extended to hired servants employed in agriculture, when more than one are kept in the same family, and to rise to still higher rates in proportion to the numbers kept.

The popular voice has demanded a heavy tax on the foreign domestics, that are so frequently to be seen in the families of the rich; but the suggestion ought not to meet with attention. These foreigners are generally employed in frivolous offices in the train of opulence and luxury, and were they proscribed by the imposition of any heavy tax, an equal number of robust Englishmen would be called away from their rustic labours, and other necessary employments, allured by higher wages, to perform more awkwardly the same servile tasks, and to lead the same dissipated lives. The profitable industry of the nation would be diminished in proportion.

not be esteemed in the smallest degree unjust. His right to these barren lands is founded solely on occupation; there is no improved value superadded, no right accruing from labour bestowed, and as he occupies, besides, more than his equal share of the soil, the whole unimproved tracts of his estate belong strictly and entirely to the public; and no small indulgence is shown in giving him an option to improve or to resign them.

A tax on all augmentation of rents, even to the extent of one-half the increase, would be at once the most equitable, the most productive, the most easily collected, and the least liable to evasion of all possible taxes, and might with inconceivable advantage disencumber a great nation from all those injudicious imposts by which its commercial exchanges are retarded and restrained, and its domestic manufactures embarrassed.[1]

If the increase of population is to be promoted by encouraging the marriages of the lower ranks, let every farmer be entitled to an addition of five years to the duration of his lease (whatever

[1] An absolute monarch might combine together the increase of his revenue and the encouragement of small farms in the same regulation, by imposing a heavy tax on all future increase of rent, excepting in those farms which did not exceed the extent of one plough, and were granted in lease for a term of not less than fifty years. Such an edict must operate beneficially, either by bringing money into the treasury of the State, or by increasing the number of citizens in the most useful class.

that may be) for the first legitimate child, and of three years for every other. Let every person whatever, not possessed of lands, and having five children, be entitled to the privileges of the Agrarian law, within a certain district.

If the improvement of agriculture is to be promoted and rewarded, let not the prize held forth to those who excel be, as it has sometimes been in France, the rank of nobility, but rather the full property, under reservation of the present rent, of those farms to which their skill and industry have been applied; and let an annual prize or prizes of this sort be proposed not for the whole extent of a great kingdom, but for every small district and neighbourhood.

If any changes are to be made in the municipal laws, relative to succession, inheritance, or the transmission of property in any other form, let them not pass unaccompanied by the introduction of some mode of the Agrarian law, extended over the estates of those persons whose interests or caprice are consulted in the intended change. Let no land estate, for example, pass to heirs of entail, nor even to collaterals in the ordinary course of succession, without becoming subject to such a law, even in its utmost extent.

53. Certain regulations which have formerly taken place, and are like enough to be renewed in flourishing states, are of such a nature, that they ought to be accompanied by the introduction of some branches of the progressive Agrarian

law, as an equivalent and compensation in some degree to those orders of men whose interests are encroached on by the change; and as a very moderate deduction from the advantages of those other orders, for whose advantage chiefly such regulations are intended, two remarkable examples may be pointed out in the reduction of interest, and the corn laws.

Every reduction of interest throws a great immediate advantage into the hands of the landholders, who are in general encumbered with debts: the interest of these debts being reduced, their actual income is thereby increased; besides, this reduction increases the value of their property in land, if they are obliged to sell off a part, or the whole; and it tends to enhance the rent of farms, by determining persons who had formerly lived on the mere annual rents of their stock, to betake themselves now to some sort of industry, and to agriculture more than any other, as being that alone which men are supposed qualified to undertake, without any particular education to fit them for it.

All those laws which prohibit the importation of grain into any country, and still more those which give a premium on the exportation, are calculated to bestow great advantages on the farmer and landholder, though chiefly on the latter, at the expense of that far more numerous class of citizens, who till no land for their own behoof, and must purchase all the grain or bread

consumed in their families from the landlord and the farmer, or their agents and retailers.

Commonly one-half of the slender incomes which men of this class enjoy must be expended on this indispensable article, the price of which is, by these laws, kept up one-fourth or more above its natural level.

Is it not highly reasonable, then, that the industrious poor, who are taxed in this manner, and to this amount, without their consent, for the behoof not of the public, but of other orders of men richer than themselves, should have it at least in their power to pass with ease from that class of people, who must go to market to purchase this commodity, to the class of those who raise and have it to sell? The introduction of a progressive Agrarian law, extending over the demesnes of the crown, waste lands, and farms of too great extent, would produce this effect in no inconsiderable degree, and would at the same time essentially promote the object of all corn laws, if that object be indeed the prosperity and increase of agriculture, and not rather the profitable monopoly of the landholders.

54. It is by no means without example that the legislative power of a state, however tender of seeming to meddle with the general system of property in land, should interfere to impose some regulations on the manner of granting leases. Ireland furnishes a recent example of

some importance, and the laws of many countries have, on various occasions, interposed their authority to protect the peasants from outrageous oppressions, from violent and sudden removals, and from the pretensions of a new purchaser, coming in place of their former lord.[1]

In this field, there is great room, without seeming to pass beyond the usual jurisdiction of municipal law, for introducing into most countries new and beneficial regulations, relative to the three essential articles of a lease, the extent, the duration, and the rent to be paid.

In respect of duration all leases ought to be of considerable length (sufficient at least for the farmer to bring up his family, and settle them around him, without being removed himself), and of uncertain termination, ending with a life. New forms, adapted to the advantage of both parties, might easily be devised ; as, for example, a lease which might be called a lease on alternate lives, beginning with that of the lessee, and ending with the life of that person who shall have come

[1] What is the shortest term of a lease which ought to be given by the landlord or accepted by the cultivator ? In Ireland, that may be exactly determined by the statutes to be not less than thirty-one years. For if any great landholder resolves not to give leases of more than twenty-one years, he determines to treat his Protestant tenantry more unkindly, and more unreasonably than the legislature, actuated by the most violent spirit of persecution, thought it proper or decent that the Roman Catholics should be treated.

into the place or right of the lessor, when the first life falls, or when any number of years—20, 30, 40, or more—from that uncertain date have elapsed.

That the extent of the farms set in lease should be moderate, is certainly most advantageous to the community in general, and may be so adjusted as to prove not less favourable to the interest of the landlord. The rent to be paid ought always to be fixed at a determined proportion of the real or estimated annual produce of the soil; and this proportion being determined by the letter of the law, the application of that law to each particular case ought to be committed to a jury from the neighbourhood, if either party so desire.

Leases on improvement, as they are called, if considered according to the principles of natural equity, must be accounted altogether absurd and unjust; for they avowedly take from the farmer, as his cultivation advances, a share of that increased produce to which his industry has given rise, in order to bestow it on a landlord who has contributed nothing at all to the improvement of the soil; yet, in respect of expedience, they are to be regarded as among the best and most practicable compromises, which, under that establishment of land property which now obtains, can be brought about between the exorbitant rights of the landlord and the reasonable expectations of the farmer. Various

beneficial schemes of such leases have been proposed, and some carried into execution; yet great scope still remains for varying their form, and combining new stipulations in such a manner, as that both parties may be interested in the progressive improvement of the soil. But the interposition of the legislature seems necessary in most countries, to render the landholders willing to give the preference to leases of this kind.

55. By the laws of many nations, a right of redemption (*jus retractus*) belongs to the superior lord, or to the nearest of kin of the landholder, who sells his estate. By this right, they are entitled to redeem the land sold at the agreed price, within a limited time, commonly twelve months after the bargain has been struck; and so generally is this privilege established on the Continent, that it has been considered as a branch of the law of nations. Much more justice and much more good policy would there be, in conferring such a right on the tenants and cultivators of the lands alienated, if, within a limited time, any number of them, not less than one-third part, could form a scheme, to be approved by the tribunals of justice, for purchasing the estate among them, by advancing one-half the price, or any other proportion required by law, and converting the remainder into reserved rents. The public ought even in justice and in policy to come to their assistance

in forming such a scheme, and to advance the money wanted, on proper security to have it repaid by gradual instalments, or converted into perpetual reserved rents, which might again be sold, at no great discount of that value which had been given for them.

56. Various occurrences in the political revolutions of government have frequently stripped the ancient proprietors of large tracts of land, and thrown the absolute disposal of these lands into the hands of the rulers of the State: such are the forfeitures usually following on successful insurrections and conspiracies, the subversion of obnoxious associations, as the Templars and Jesuits; the dissolution of the monasteries, and the reformation of ecclesiastical establishments in the north of Europe. The courtiers and grandees who have been enriched on these occasions by the profusion of their sovereigns, might have been equally well gratified and attached by the donation of seignorial rights and reserved rents alone, and the property of the soil might have been all at once conferred on the cultivators, or rendered subject to the operation of a progressive Agrarian law; or indeed both regulations might have been made to take place at the same time; that is, the property might have been given to the present cultivators, but subject to future claims arising from the Agrarian law.

Such a disposal of escheated or forfeited lands

may, without regard to the encouragement of agriculture and the independence of the plough, be recommended by policy of State alone, as tending to interest the lowest as well as the highest ranks in those innovations, whether justly or unjustly concerted, which the sovereign is desirous of having accomplished.

Would not, it may be asked, that great transfer of property made in Ireland by Cromwell have been almost equally acceptable to his captains and officers at the time, had it been accompanied with a progressive Agrarian law? And would not the effect of such a law, so applied, have shown itself in the most beneficial manner to Ireland long before the present age?

Had the lands left vacant by the expulsion of the Moors been distributed in full property to cultivators only, might not even Spain have recovered in a few generations the effects of that severe wound?

SECTION III

Of Circumstances which might induce the Rulers of a State to turn their wishes and endeavours towards the accomplishment of such a Change.

57. Such occasions and incidents, as those before enumerated, might be improved by the sovereign, the legislature, or the real patriots of any country, for introducing by degrees this important innovation, it being supposed that they are beforehand fully apprized of its great utility, and animated by a warm desire of seeing it effectually established for the advantage of the community.[1]

Other occurrences and aspects of affairs tend to inspire with such generous desires either the

[1] It seems to have been unfortunate for the Romans, that in the age of the Gracchi the practice of granting leases for any considerable term of years was not familiar, and the alienation of land under a reserved rent wholly unknown. Had Tiberius Gracchus proposed to the Patricians either of these plans for accommodating the poor citizens with lands, a compromise might probably have taken place, to the great advantage of both. He would not have encountered such determined opposition at first, nor would he have been forced into the violent measures he afterwards adopted.

In the history of this illustrious citizen of Rome, those

sovereign or some considerable bodies of men in the State, capable of exerting powerful efforts in so laudable a cause, and with the desire may communicate the hope also of being able to accomplish some salutary changes of greater or of less importance, especially if the object to be aimed at, and the means by which it may be obtained, have been again and again stated to the public in a variety of speculative views, and so rendered familiar to the understandings of men.

Internal convulsions have arisen in many countries by which the decisive power of the State has been thrown, for a short while at least, into the hands of the collective body of the people. In these junctures they might have obtained a just re-establishment of their natural rights to independence of cultivation and to property in land, had they been themselves aware of their title to such rights, and had there been any leaders prepared to direct them in the mode of stating their just claim, and supporting

men who may hereafter undertake the patronage of general rights, and of the lower classes of mankind, may find an instructive example, how necessary it is to adhere to moderation, even in the noblest pursuits, and not to suffer the insolent and unreasonable obstinacy of opponents to provoke any passionate retaliation. Had Gracchus persevered in maintaining his first temperate and liberal proposal,—had he not impetuously, it cannot be said unjustly, hurried into the extreme opposite to that which his antagonists held, it cannot be doubted that his great endeavours might have proved fortunate for himself and his country.

it with necessary firmness and becoming moderation.—Such was the revolution in 1688, at which time, surely, an article declarative of the natural right of property in land might have been inserted into the Bill of Rights, had the people at large been beforehand taught to understand that they were possessed of any such claim. Such also was the late convulsion in America, the favourable opportunities of which are not yet exhausted; and whatever party shall hereafter in the agitations of any state assume the patronage of the lower classes, in respect of this their most essential privilege, may entertain confident hopes of being able by their support to obtain their own particular object of pursuit, while at the same time they establish an arrangement of the highest importance to the general welfare of their fellow-citizens.

58. Princes sitting on disputed thrones might, among other expedients for giving additional security to their possession, consider whether it would not prove of advantage that the numerous class of cultivators were interested in their cause by some well-regulated communication of equal right; and on the other hand, the expelled candidate might not unwisely seize the same occasion of strengthening his interest and increasing the number of his adherents, if it were left not preoccupied by his more fortunate antagonist.

In such cases as these, when the minds of

the vulgar are to be suddenly engaged, it is perhaps more expedient not to propose a refined system, having for its object the greatest good that can be reconciled to the greatest supposed equity, or to the general convenience of all, but to hold forth some striking advantages to great bodies of men, who may feel that they have a common interest, and are not incapable of being taught to act together in concert, for promoting it; to promise, for example, that every farm, as presently possessed, shall be converted into a freehold, vested in the farmer and his heirs for ever.

59. Difference of religious opinions, it may be hoped, will never again be made, as it has too often been, an occasion of disturbing the civil societies of mankind; but if any respectable body of dissidents find themselves obliged to contend with the rulers of their country for the rights and immunities of a just toleration; if the leaders of the sect shall think proper to avow and inculcate principles of civil policy and justice favourable to the rights of the lower classes, and to the independence of cultivation, they may be well assured of strengthening their party thereby, of inspiring their adherents with more vigour and consistency, and of obtaining in process of time both the one and the other of these just and important objects of pursuit. These objects they will attain the sooner, and with more ease, the more cautiously they guard

against the insinuation of that levelling and fanatic principle which has sometimes brought disgrace in the first place, and final disappointment in the end, on schemes wisely conceived, or bravely undertaken for restoring the rights of mankind.

It is supposed by many intelligent persons that, partly through the increase of infidelity, and partly from the prevailing moderation of wise men's opinions respecting disputable tenets of religion, the ecclesiastical order have of late lost much of that ascendant which they seem formerly to have possessed over the higher classes of men, so that in almost every country of Europe, under every form of the Christian religion, their establishments are either secretly envied and undermined, or very avowedly attacked; and it may be apprehended that a crisis of great danger to their temporal rights and privileges cannot be far distant. It might, therefore, be accounted no unnecessary provision for their own safety, and very liberal policy with regard to the general interests of mankind, should this respected order attach themselves more particularly to the inferior and laborious classes of men. These humble ranks are always found docile and obsequious to religious instructors; and in justice to the simplicity of their native sense and piety, let it be remarked also, that they are more ready to listen with attention to rational and sound

doctrines than to the extravagancies of enthusiasm or superstition, if only the same zeal and assiduity is displayed by the teachers of both. It would not ill become the ministers of any Church to assume the patronage of these men (whose reliance and attachment will not fail to increase in proportion to the attention bestowed on them), and to stand forth as the advocates of their natural rights and the guardians of their independence in opposition to the opulent, the luxurious, and the idle, who in too many respects domineer over them. It would not be unwise nor improper to connect thoroughly the interests of the ecclesiastical order with those of the laborious poor, who stand perhaps more in need of the direction and guardianship of enlightened superiors than the mendicant poor themselves, whom the Church has in every country taken under her immediate protection. In most cases, the mendicant poor would be sufficiently provided for by the charity of those very orders of men by whom the far more numerous class of laborious poor are oppressed.

That sort of correspondence and co-operation which might be denominated an alliance between the Church and the Plough, in subordination to the State, would not only prove equally beneficial to both parties, but seems in the present state of Europe to have become necessary for the support of their mutual interests.

60. Great public calamities and disasters may dispose the rulers of a state, however reluctant and averse, to seek for the renovation of national vigour and prosperity by those measures which are to be accounted the only true sources of strength, opulence, and manly virtues; by cherishing the common people, bettering their condition, and exciting their industry by such cheerful hopes and reasonable expectations as belong to their humble situation, and not by the hard pressure of necessity, so often preposterously and inhumanly recommended as the most effectual spur of industry, so often unhappily applied as such.

Under circumstances of recent public distress and humiliation, such as the unfortunate issue of expensive war, the loss of commerce and of foreign dominion, even the higher and privileged ranks, awed into wisdom and humanity by the impending gloom, may be inclined to acquiesce in those regulations which tend to renovate the whole body of the State, though at the expense of diminishing in some degree the privileges and emoluments of their own order. They will consider that, unless the numbers, the industry, and the manly temper of the body of the people can be kept up, the fortune of the community must fall into continual and accelerated decline, and the privileges of every rank become insecure. But if these essential foundations of public prosperity can be supported, and any increase

of them, especially of the last, can be procured, the loss of military glory, of political rank and ascendant, even of territory and establishments, may be regarded with less regret, as the loss of external appendages only, the plumes and trappings of national honour, which may be in due time recovered again by the returning vigour of the community, if such ought to be their endeavour or desire.

If, in the meantime, commerce is restrained and manufactures decline, let the cultivation of the soil be laid open, on reasonable terms and without delay, to the people thus deprived of their usual employment; such a resource would indeed convert what they must account a misfortune into an opportunity of finding real and natural happiness and ease.

If colonies are lost, it may seem more particularly requisite to provide some new opportunities of settlement for the usual emigration. If the facility of domestic establishments is presented to their choice, that will not only prevent the turbulence of unsettled, discontented multitudes confined at home, but will apply their numbers, and call forth their industry for the augmentation of the public opulence and strength.

61. Public dangers, especially, if not sudden and transitory, but continual, as proceeding from the vicinity of powerful and ambitious neighbours, ought to produce in the rulers and

the higher ranks of a nation so threatened, a similar disposition of recurring to the genuine sources of public opulence and force.

What more effectual preparation can be made for the most vigorous defence of national liberty and independence, than to interest every individual citizen more immediately and directly in the welfare of his country, by giving him a share in the property of the soil, and training him to the use of arms for its defence. The former of these means of public security and defence is scarcely less requisite than the latter, the propriety of which is so generally understood.

A great standing army may be sufficient for the purposes of ambition, and for carrying offensive war into foreign states, but if resistance is to be made at home, and a prolonged defence to be maintained against a more powerful invader, the discipline of standing forces, however perfect, must be combined with, and sustained by, the zealous patriotism of a militia. The King of Prussia, beset by hostile powers naturally superior in strength, has set the first example of a military establishment modelled on this plan ; an example which deserves to be imitated, and will not fail to be so by every potentate in the same perilous situation. The time seems to be not very far distant, when Britain herself must trust no longer with entire reliance to her wooden walls, even in time of peace, but must keep in continual array a land army proportioned

in some degree to those of the continental powers. Even the greater powers themselves, by the continual augmentation of their standing armies, with an intention of invading others, approach still nearer and nearer to the establishment of a disciplined militia, as they continually increase the proportion of soldiers to unwarlike citizens; and when they begin to perceive that they themselves are at last in danger of being invaded in their turn by the powerful confederacies of neighbours, whom separately they have insulted or held in terror, they will then hasten to adopt the whole plan, in the same manner as these neighbouring powers have already done. Thus, that continual augmentation of disciplined standing armies throughout Europe, which the friends of liberty and of mankind regard with so much anxiety and distrust, seems to tend to an ultimate state of advancement, in which every ploughman will be made a soldier, and almost every soldier remain a ploughman; a system very favourable, no doubt, to the happiness and virtue of mankind, and more particularly of the lower class; a fortunate and desirable effect, which it may be hoped will arise from so very suspicious a cause as the restless ambition of monarchs. Whenever this state of things is brought near to its maturity in any country, there will be wanting only one regulation to realize the fancied virtues and happiness of primeval ages, though without

that supposed perpetual tranquillity which seems not very consistent with the highest felicity of mankind. That regulation is, that every individual thus accustomed to the use of arms, and of the instruments of tillage, should be made proprietor of the field which he cultivates.

It is of small importance whether, in this progress, the State has begun with the establishment of a militia, and afterwards trained that militia to the exact discipline and ready array of standing armies; or—what is more new in practice and may be more willingly adopted by monarchs—beginning with a standing army, has proceeded gradually to extend its compass, and the rotation of military services exacted, until, almost all those persons are comprehended who would belong to the plan of a militia established in the usual form, without however detaching them from their rustic labours, or interrupting that essential industry in any great degree; still the same union of the military character with that of the peasant might be accomplished in the greater number of the people, in nearly the same course of time; still the same facility and expediency will arise, of communicating to each of this majority of the citizens a competent share in the real property of the soil.

62. The state of a nation overwhelmed with debt furnishes the most urgent motives to induce all classes of men willingly to recur to

those measures and schemes by which the amount of the public stock may be most effectually, and most expeditiously increased. Among these schemes, the encouragement of improving agriculture, and the increase of an industrious population by means of independent settlements must be allowed to stand foremost.

It is indeed the landed property of the nation that is ultimately and solely engaged for all national debts : every other species of property may be concealed, transferrred, or withdrawn, when the demand for payment is apprehended. It is therefore to be wished, for the security of public credit, and for facilitating the borrowing of money on good terms, when necessity requires that expedient to be pursued, that property in land were exceedingly divided ; so that every person of the least consideration for property of any other kind, for industry, or for talents, had a share.

In that state of public affairs which renders the continual accumulation of national debt indispensable, it becomes even the interest of the great landholders, that such a distribution of property in land should take place, and that every member of the society should, if possible, have a share ; that so every member may be rendered responsible for the public debt, and may have, though in an inferior degree, the same sort of interest with regard to it on every emergency which these great landholders have.

Such general distribution of property in land, especially if the public creditors were for the most part proprietors of land also, and in some proportion to the property possessed by them in the funds, would tend to unite in a great degree the interests and views of the debtors and creditors; and so prevent the danger of any sudden great convulsion, and the perplexities which might attend a temporary stoppage of payment. It would give at the same time the highest facility of employing the whole stock and force of the society in great and useful enterprizes, when such presented themselves, without necessarily entailing oppressive taxes on a future age.[1]

[1] The accumulation of a national debt must be acknowledged to be a great evil; yet it is possible that the nature of that evil may be in some degree mistaken, and its distant terrors exaggerated.

The comparison which offers itself at first between the incumbrances of a nation and those of an individual's fortune, is just only in a few particulars. Money borrowed by a nation is chiefly furnished by its own subjects, into whose hands it is chiefly paid back for services performed; and the stock of the community, compared with that of its neighbours, is lessened only by the amount of what is borrowed from subjects of a foreign State.

Taxes imposed for defraying the interest of a large debt must, in some degree, endanger the suppression of manufactures, and the loss of foreign commerce. This is, perhaps, the only evil which may not be separated from this accumulation of national debt; nor ought this to be accounted very formidable by a nation abounding with men, and possessing wide tracts of waste or half cultivated land, in the improvement of which the industry

In order to establish, or at least to approach nearer to this the most perfect state of public credit, certain regulations might be introduced with happy effects in a well constituted monarchy; and perhaps without exciting discontent, especially if any salutary Agrarian law had been established, or a pretty general distribution of landed property been by any other means previously obtained. It might be enacted, that at fixed periods a certain considerable portion of the national debt should be divided among the landholders, in proportion to their property in land; not obliging them to pay off their proportion of the debt, but merely to advance the money for paying it off, and so to become themselves the creditors of the public (instead

of these men may be employed. In such a situation, a nation well informed of its true interests might despise the loss.

But if it is the established opinion of any people, that the public prosperity depends on the flourishing state of their commerce with other nations, that people ought, in consistency, to avoid the occasions of contracting debt.

If a nation already encumbered with a great load of debt foresees rather the necessity of augmenting than any possibility of diminishing the load, that nation ought, beforehand, gradually to prepare those resources by which the public opulence and the industry of the subjects may be sustained, when foreign commerce shall have failed.

Whatever national advantages are aimed at by efforts requiring the accumulation of public debt; whatever evils are to be guarded against, as proceeding from such accumulation, a minute partition of property in land must be favourable to the measures of the legislature in either pursuit.

of being debtors to the public creditors) and to receive the interests which they formerly paid.

It may be accounted a service which the State is well entitled to require from the proprietors of land, in return for their being suffered to engross the whole original value of the soil, that when the public is over-loaded with debts, not imprudently contracted, they should be obliged, not indeed to pay those debts, but to come forward and interpose their private credit in support of that of the public ; and to take their chance of such payment of annual rents or capital as the public may afford to make. Such an occasional partition of the national debt must be acknowledged to be altogether consonant to justice in those nations where the representatives of the proprietors of land have alone consented to, and authorized, the contracting of such incumbrances.

At least it seems probable that, whatever measures may at any time be adopted for diminishing the public debts of a nation, or for preventing those convulsions which on critical emergencies may arise from the competition between the interests of borrowers and lenders, subjects of the same State, all such measures would be greatly facilitated by the minute partition of property in land, and a general distribution of it among the whole body of the people.

SECTION IV

Of Public Institutions calculated for promoting a gradual and salutary Change in the state of Property in Land.

63. As a subsidiary help to all those regulations which might be devised for promoting the prosperity of the lower classes, and, in particular, the independence of the plough, it would not ill become the wisdom of an attentive government to appoint a special Board, intrusted (under strict account) with the management of considerable sums, to be applied for this essential purpose, in the following or any other plan of like effect :

To purchase such estates exposed to sale, as might be had at a reasonable value (suppose from twenty-five to thirty years' purchase) and to divide them into small farms of a single plough only, to be given off in perpetual property for a full reserved rent. The loss that would be incurred in this transaction might be greatly diminished by selling off these reserved rents, with all the privileges of a landlord, to persons desirous of the best security without the trouble

of managing a land estate. The purchaser to have a right of distraining the produce of the soil, together with collateral security on the funds of the Board, and the same facility of transferring his property at any time, and suddenly, by an assignation in their books, which the proprietors of stock in the public funds of Britain now have. With these advantages, it may be presumed, that such reserved rents would be purchased eagerly by the timorous and the indolent, and probably sell at an advanced value, so as to reduce the loss on the whole transaction, to two or three years' purchase money of the estate. The money thus refunded to be immediately employed in similar purchases; in making which, estates of a large extent, inhabited by a numerous and poor peasantry, ought to be preferred to others of equal rent-roll. Estates situated in islands, or along the sea coast, might likewise deserve preference; because, for the sake of navigation and fisheries, it concerns the interests of the community at large, that the common people in insular or maritime situations should be brought into that state which is most favourable to their increase of population, and their thriving.

As the operations of such a Board would tend to enhance the value of land when brought to sale, the establishment, it may be thought, would be acceptable enough to the great body of landholders.

To such a Board might be committed the office of furnishing to the tenantry of estates exposed to sale such assistance as they might stand in need of to enable them to complete their schemes of a joint purchase, founded on their right of redemption.

To the same Board might likewise be committed the inspection of all lands devised and assigned to hospitals, universities, and any other public or charitable foundations, with a view to prevent that private abuse and peculation, which too generally take place in the management of such funds, when they are in a flourishing condition, and more than sufficient for carrying into execution the original intention of the founder. In these cases, the Board, having first laid a satisfactory proof of such redundance before the supreme tribunals of justice, should be authorized to interfere, and to turn this superfluity to the greatest advantage of the public, by dividing the lands belonging to such foundations into separate allotments of a single plough each, and giving them away in complete property for a reserved rent.

The charitable foundations of one age may become superfluous, nay, pernicious, in those that follow, as the numerous hospitals and almsgivings of the Italian cities are justly considered as no small obstruction to the industry of their common people ; and for various reasons, it cannot be unfit that the legislature

of every country should exercise a constant and supreme control over all such establishments; yet directed by a scrupulous observance of the original intention of the founder, excepting where it is no longer fit that these intentions should be fulfilled; in all which cases, the produce of the funds ought to be religiously applied to those public uses and charitable occasions which, it may be supposed, the munificent spirit of the founders would have disposed them, had they lived in the present times, to patronize and prefer.

That bill which was brought into the British Parliament some years ago for enabling the governors of hospitals, and the trustees of other charitable foundations, to place in the public funds the estates intrusted to their care, seems to have been meant as a very gentle attempt to apply the redundant opulence of such establishments to the support of public credit and the general advantage of the State. It was an attempt entirely consonant to the best principles of national interest and of legislative superintendence, nor could that vehement dislike by which the bill was rendered abortive have arisen solely from public considerations, unless inflamed by the patronage of jobbing and secret peculation.

64. It is not wholly in vain that premiums have been distributed for the encouragement of various improvements in agriculture and the

arts. Great effects cannot be expected to result from them, but a general notification at least is made to the public of those things which speculative men of enlarged views conceive to be most advantageous and practicable. Trials made in different places and under a variety of circumstances ensue: and examples are exhibited, by which the advantages and disadvantages of the proposed improvements are subject to general examination, in almost every corner; and other methods perhaps are suggested, more profitable on the whole, or better adapted to particular situations.

Trials and examples, it is presumed, are alone wanting to recommend the general participation of property in land to the favourable opinion and wishes of all ranks of men. In such examples, the landholders might perceive how small a part of their privileges and emoluments need to be given up, for promoting this, the greatest public good of the community, and what new advantages will spring up in compensation for those relinquished. The rulers of nations might perceive how much they are like to increase the numbers, and improve the character and virtues of their people; and the common people themselves can, from such examples alone, be taught to know what improvement their humble condition may receive, and with what ardour they ought to endeavour to attain it.

With a view to produce such examples in different parts of a wide country, the same plan might be adopted, which in matters of far less importance has been pursued with no inconsiderable success. A great premium, either honorary or lucrative, might be held forth to the nobleman or commoner of a certain ample fortune, or possessing land estates of a certain great extent, who should within ten years establish the greatest number, not less than two hundred cultivators, settled in farms, from twenty to forty acres, held in freehold; or by leases of long duration, three or four different forms of which might be proposed, as equally admissible. Less considerable premiums, yet such as only the treasury or the public honours of the community could furnish, might be offered to persons of different inferior degrees of estate for proportional establishments. Since such rewards and such marks of public approbation have been held forth for the cultivation of the best sorts of grain, and other profitable crops, why should it be accounted preposterous to appoint suitable premiums, if such can be found, for rearing and increasing the best sort of citizens, that virtuous and laborious class of men, of whom the severe Roman has said with delight that they are *viri fortissimi—milites strenuissimi—& minime male cogitantes?*

SECTION V

Of such examples and beginnings of Reformation, as might be expected from the generous efforts of private Persons acting singly.

65. The private interest of the landholders thoroughly understood, and pursued on enlarged plans, might incline them to adopt the same schemes of small farms, and leases of long duration, which appear to be so eminently favourable to the great interests of the community. This expedience is more particularly apparent in those large estates which are not in hazard of being brought to market every other generation, but may be expected to pass, as they have already done, from one age to another in the possession of the same family. On such estates, leases on improvement may be introduced still more beneficial to the interests of the proprietor's family than to those of the cultivator's, yet even to them far more eligible than any lease of a less permanent tenure. But if the present proprietor cannot be induced, for the sake of distant advantages to his family, and the general prosperity of those who are

employed in tilling his estate, to divest himself, or his immediate successors, of all power of renewing leases; still, great advantage might arise from an arrangement which would keep a certain proportion of the farms, as every third or fourth farm up and down the estate, on leases of very considerable duration; these, when they fell, to be replaced by others, so that the proportion should be still the same. These permanent and valuable leases would tend to bring about the accumulation of stock on the estate, and the establishment of wealthy farmers, by whose younger sons, or other relations, it might be expected that advanced rents would be given for the adjoining farms, even on leases of much shorter duration.

The English landholders seem to deviate more from their own and from the public interest by the preference they give to farms of large extent, than by any unwillingness to grant leases of considerable duration. The saving of expense in repairs seems in general to be their inducement, and that very essential article ought to be regulated, no doubt, and might perhaps without difficulty be regulated in a better manner. Might not the conditions of the lease be so adjusted as to give the tenant an interest in keeping down the expense of repairs, and seeing them well made, and without delay? Might not the houses on his farm (and these neither too large nor too many) be delivered

to him at his entry by appreciation, to be received in the same manner at the expiration of the lease—he receiving payment for any increase of value within a stipulated extent ?

66. The desire of transmitting their estates to a long series of descendants arises very naturally in the minds of men who have enjoyed ample possessions under the protection of a well constituted government ; and may, within certain limitations, deserve to be countenanced and promoted by the wisest legislature. It might be entitled, however, to more praise, as proceeding from a liberal spirit, and to more countenance of the laws, as highly favourable to the general welfare, if, instead of securing superfluous opulence to one favoured line of representatives, the plan of such a settlement in tail had for its object to diffuse a moderate competency among a numerous tribe or family of descendants, and to provide that no one of the whole race shall be reduced to penury, but through their own extravagance, or indolent disposition. Both these intentions might be combined in the same scheme, by securing the present rent of the entailed estate to the lineal heir, at all events, and giving at the same time to all other descendants of the entailer, or of his ancestors, a right, when any lease fell vacant (the leases not exceeding three lives), to claim possession of it in full property, at the last rent ; or at the old rent, with the chance of being

exposed to future claims of other descendants, regulated on the principles of the progressive Agrarian law: these claims being to take place only after all the farms of the estate had been given off by the first rule of entail, each to a particular descendant of the entailer or of his ancestors.

Those persons who having no near relations, or none worthy of their inheritance, are led to bestow their estate on hospitals and other public uses, might obviate the murmurs of their remoter kindred, and the ungenerous insinuations to which the memory of such public benefactors is sometimes exposed, by making such a provision as this, in favour of persons descended from the same ancestors with themselves.

67. In every opulent society there is gradually produced a considerable fund, which accumulates from time to time in the hands of beneficent and charitable persons, and is ready to be applied, chiefly in the way of legacy and bequest, to the more urgent wants and occasions of the community, and to supply what the revenue of the State cannot be made to reach, or what its attention has overlooked. Churches, monasteries, universities, bridges, and hospitals of various kinds have successively become the objects of this well intended munificence in Europe, and corresponding foundations have in like manner engrossed it among the nations of the East. In some countries these objects are

so fully provided for that the bountiful stream of donations seems almost to have ceased to flow: but the effect is apparent only, not real; the public wealth continuing the same, the charitable fund will continue the same also, if new and worthy objects are presented to its bounty. Hereafter, perhaps, in enlightened nations, the independence of the plough may be numbered among these objects, as worthy to partake of such beneficent endowments, after the demands of sickness, of declining age, and deserted infancy have been in some reasonable measure provided for. In such a country, he who would have bequeathed his estate to a hospital, had hospitals been wanted, may think of dividing it, in the first place, into freehold allotments of a single plough each, and bequeath the revenue thence arising, to be applied at certain periods, to be portioned out in freehold in the same manner.

68. Nor ought it to be supposed that some specimen of this equal property in land, some example of what good effects it might produce in a narrow district, is too great an effort to be expected from the ordinary liberality of private men, possessed of ample fortunes. He who possesses six or eight manors cannot be thought to deprive even his remotest posterity of any great share of their inheritance, should he at the present time divide one at least of these manors into small farms of a single plough, assigning each of them in perpetual property

to the cultivator for such rent as he would consent to give for this perpetual right. Or were this one manor rendered subject to the options of a progressive Agrarian law, the right of claiming settlements being restricted to persons born on other manors of the estate, such an institution could not fail to operate as a premium in raising the value of the estate. But honour alone, and the conscious satisfaction of having made a public-spirited and laudable attempt, would more than compensate, to men of such ample fortunes, the loss that may be supposed to arise from some diminution of a rent-roll.

In certain nations (though not in Britain) the Princes of the blood are possessed of revenues equal to those of sovereign states, without any civil or military establishment to maintain; and should they even neglect the splendour of their retinue, and of their domestic court, still the public reverence would wait on the dignity of their exalted birth. Among these men, placed in an intermediate situation between sovereigns and subjects, exempted from the claims that are made on the first, and from the family wants of the second, it might be expected that liberal and illustrious schemes, conducive to the good of mankind, might find patrons worthy of them, whom the necessity of a great expense would animate rather than deter. Men of noble minds might rejoice in the occasion of expending their great revenues on some more

dignified object than that frivolous luxury in which they are usually wasted; they might rejoice in the occasions of distinguishing themselves from the vulgar herd of subordinate princes, whom the sentiments of mankind rate only as a sort of furniture, pertaining to the state apartments of a great monarch's court.

SECTION VI

Of such examples and beginnings of Reformation as might be produced by the combined endeavours of private Persons.

69. The concurrence of liberal purposes with the power of carrying them into execution, is too rarely to be met with in particular men. It is probable, however, that in proportion as this important object shall be attended to, canvassed, and more generally made known, great numbers in various countries will perceive that they are interested in having it elucidated by experimental trial; and what the wealth of individuals cannot afford to attempt, the joint contribution of considerable numbers (as in many similar cases) if expended on judicious plans, may accomplish with ease.[1]

[1] The outlines of a voluntary subscription scheme for promoting the independence of agriculture, and securing the advantage to the subscribers' families, might be delineated in this manner.

A hundred subscribers, at £100 each, form a capital to be laid out in the purchase of lands; these lands, as the leases expire, to be divided into allotments of a single plough each. All descendants of subscribers, males or married females, to be entitled, if they require it, to an

70. Many societies are instituted in various parts of Europe for the encouragement of agriculture; but to promote it, by the most effectual of all means, the independence of the plough, seems far too arduous an undertaking to be pursued by them even in the way of trial and experiment alone, and far beyond the limits of their finances. Yet the hearts of liberal men are apt to expand in proportion to the greatness of the objects which present themselves; and the enthusiasm aroused by engaging in schemes of the highest importance, not without difficulty, is likely, above all things, to increase the numbers, the vigour and influence of these very laudable associations.

allotment at a rent fixed by a jury, and on condition of residence and actual cultivation.

The produce of these rents to accumulate, and to be expended from time to time in purchasing lands to be divided in like manner.

Precedence of claims among descendants of equal propinquity to the subscribers to be determined by lots.

All allotments after 50 years' possession to be subject to claims of smaller allotments of six acres each, if any candidates disappointed of the large allotments choose to settle on so small a patrimony. A jury must in that case determine what rent is to be paid to the fund, and what to the first occupier of the allotments.

The usual subscription societies are formed to provide for widows or children an annual payment during life, or a sum of money to assist in beginning the world. The object of this one would be to provide for a long and increasing race of descendants an inheritance, if they stood in need of it, and that of the most valuable kind, being a fund on which the most salutary industry may be comfortably exercised.

SECTION VII

Of a progressive Agrarian Law, which might be made the basis of all partial and occasional Reformation respecting Property in Land.

71. If in any nation of Western Europe the sovereign were desirous of introducing a system of property in land, wholly consonant to natural justice,[1] and favourable to the greatest happiness

[1] To all unbiassed reasoners it will probably appear that no right whatever can be better founded than that which every man willing to employ himself in agriculture has, to claim a certain portion of the district in which he happens to be born, he becoming bound to make just compensation to those by whose labour that spot of ground has been fertilised.

It belongs to the community to establish rules by which this general right may become definite, and to prescribe a method by which the distribution may be made and the compensation ascertained.

The rules adopted for this purpose may be more or less prudent and equitable, and more or less favourable to the poor or to the rich, without any heavy imputation on the spirit of the laws; but not to recognise such a right at all, not to have established any rules by which its claims may be ascertained and complied with, ought to be accounted essentially unjust.

Means may certainly be discovered by which this general right of the community in the property of the soil may be so clearly and practically ascertained that

of the greatest number of citizens; and if in this undertaking he found himself under no necessity of paying respect to the prejudices and interests of the present landholders, or any other body of men whatever, he would take for his leading object to increase the number of independent cultivators, and to bring into that favourable situation as great a number of citizens as the extent of his territory would admit. In the accomplishment of which purpose, he might see cause to enact a statute, not very different from the plan delineated in the following articles:

I. That every citizen aged twenty-one years or upwards may, if not already in

the private landholder shall have no occasion to be afraid of suffering injury, or material inconvenience, when any share of that public right is claimed.

The plan of a progressive Agrarian law is an attempt towards the discovery of such means; but the problem is difficult, and the imperfections of a first attempt may deserve to be excused.

Numberless are the variations which might be devised for accommodating the principles of a progressive Agrarian to the supposed rights and legal possessions of the body of landholders.

Suppose it enacted in any country that a progressive Agrarian shall take place, in respect of barren ground at all times, but in respect of cultivated lands only when the leases expire, excepting those farms which exceed a hundred acres in extent. Thus the landholders would have an option given them: if they did not choose to submit to the operation of the Agrarian, they might avoid it by adopting leases of long duration and farms of small extent.

possession of land, be entitled to claim from the public a certain portion, not exceeding forty[1] acres, to be assigned him in perpetuity for residence and cultivation, in the manner and under the conditions hereafter specified.

II. That the claimant shall have right to choose the situation of his allotment on any farm, freehold, or uncultivated common within his own parish, if the same be not excepted by the other provisions of this law. If there be no unexcepted land in his own parish, he shall have right to choose in any of the parishes contiguous to his own; and if in these there be no unexcepted land, he shall have right

[1] Or such extent of ground as may be cultivated to advantage by one small plough and the ordinary family of a peasant, which may be supposed a husband, wife, and three children of various ages. This may be called the standard farm, and ought to vary in its extent according to the state of the country. In countries little cultivated and thinly inhabited, it ought to be large (which does not exclude small options), to encourage the cultivation of new land by those who are possessed of some considerable stock; where the country is well stocked with inhabitants, it ought to be small, that each may have a share. Thus two hundred acres may be no improper standard in North America; from sixty to twenty in Europe; in Holland, Egypt, and Bengal from six to two, which last is considerably larger than the original standard of ancient Rome.

to choose throughout the whole district or county.[1]

III. This allotment shall be set apart, and its landmarks fixed by the magistrate with the aid of an assize, or of arbitrators chosen by the parties. It shall be marked out in the manner most convenient for both the old and new occupier: it shall approach to a square, or some other compact form; one of its sides shall run along the boundary of the old farm; and it shall have communication with some road already patent.—None of these circumstances to be departed from without the consent of both parties.

IV. The ground thus set apart shall be submitted to the cognizance of an assize,[2]

[1] If in any parish there have been no claims made for seven years, and yet unexcepted land remain, all persons even from other counties may enter their claims there. The tendency of these restrictions is to diffuse the benefits of this law, together with the inconveniences which may attend it, equally over the whole state. Perhaps a better regulation might be that cultivated lands should be open to claims only one year in ten, but uncultivated lands always, and to the claims of all persons within that county, or from any other county in which the uncultivated lands were already appropriated in small allotments.

[2] Perhaps some additional precautions might be requisite in the manner of constituting the assize. It ought to consist wholly of persons versed in agriculture, and if possible one-half landlords, the other claimants, or rather if that could be had (as after some years it easily might) the whole to consist of persons who have already

or of arbitrators chosen by the parties, who shall determine what reserved perpetual rent the claimant must pay to the landlord,[1] and what temporary

got the standard farm and no more. Yet each party might be allowed to demand a reference to arbitrators rather than an assize; these arbitrators to be chosen by the parties, and paid after a certain handsome fixed rate. This would induce some capable persons in every small district to distinguish themselves for honest and fair dealing in this line of business.

[1] The right of the landlord can only extend to the improved value of the soil; for he may still retain a farm of the standard extent, which is to be supposed in all cases at least equal to his natural share of the soil. It might be difficult, however, for an assize or arbitrators to separate the original from the improved value of the allotment to be given off, and if they find an equivalent for both, no great injustice will be done the claimant, provided the landlord remains alone liable to the land tax, with all its additions: an equivalent for both they can easily find, as it must be no other than a reasonable rent for the ground, on a short lease of seven or ten years only; for that which might be accounted a reasonable rent for a longer lease would comprehend an equivalent for some part of the improvable value; to which, according to the principles assumed, the proprietor can have no right.

The claimant ought to have his option of paying a reserved rent, or a ready money price. The first will commonly be his choice, but if not, the landlord may not be obliged to receive more than one-half the value in ready money price. The reserved rent ought to be ascertained not in money, but in the staple produce of the country, in justice to the landlord, who ought also to have a right of distraining in the most effectual manner for his security. The claimant ought further to show that he is able to stock his farm in a proper manner, or that he is possessed of three times the reserved rent in goods or in cash.

rent to the former tenant (if any) in compensation of their rights.

V. The following farms are to be exempted from all such claims:—(1) Every farm from which, if the allotment claimed is taken away, less than forty acres will remain to the first tenant. (2) The farm or park belonging to the lord of the manor, the same bearing a regulated proportion only to the extent of his estate. (3) Every farm, of whatever extent, that has not been ten years occupied by the present tenant. (4) Every farm whose arable ground has been diminished one-half by claims founded on this law shall be exempted for twenty years to come, if the tenant so desire. (5) All farms of barren ground taken for the sake of improvement, under such forms and limitations as may prevent the collusive evasion of this law.

VI. In case the claimant is not contented with the rent affixed to his allotment, he shall not be obliged to hold it, but to pay the occupier twice the amount of any expenses incurred by him. If the former occupier is not contented, a new [1] valuation may be

[1] Might not the former occupant or landlord, if he has any personal objection to the claimant as a neighbour,

obtained by him, he defraying all the expenses that may attend it. Every such claimant may make four options, and no more. If he has made two within his own parish without holding, he cannot make a third there, but may make his remaining two in the contiguous parishes, or in the district at large, as he shall choose.[1]

VII. The person thus acquiring property shall continue to reside upon his farm. He shall have right to transmit it to his heirs or assignees in full property, or under a reserved rent, but shall not have nor transmit the right of alienating it with reversion, *i.e.*, of letting it, or any part of it, in lease. If he sells it to another, who shall not reside upon, but annex it to some other farm, one-tenth part of the price, or of the reserved rent, shall belong to the public.[2]

be entitled to substitute another in his room on the same terms? In which case this attempt so disappointed ought not to be reckoned as one of the claimant's options.

[1] The number of options is limited chiefly in order to prevent vexation of the landholders in the beginning, when the number of claimants must be very great. But perhaps there is greater danger of the landlords contriving in every stage to defeat the just pretensions of regular claimants.

[2] The farm thus annexed shall be exempted from any new claim for forty years. But no person shall accumulate

VIII. The lands acquired in this manner shall not be transmitted by will, but according to the established rules of succession to landed property, the original lord of the manor being *ultimus hærcs*. The father, however, may choose to which of his sons the farm shall devolve.

IX. No allotment shall be united to another by succession.[1] The person who has right to two in this way shall make choice of one of them, and that which he relinquishes shall pass to the next heir. By marriage they may be united during the lives of the parties, and of the longest liver, but to be separately inherited by two of their heirs.

X. It shall not be lawful to break down any such allotment in order to divide it among children,[2] until in any county the uncultivated lands are wholly exhausted; at which time, a new standard of farms shall take place,

more than four such farms, nor shall he who has alienated two farms in this way have right to make any other option at all.

[1] This does not obstruct the increase of estates, by the accumulation of reserved rents, to any extent.

[2] Some doubt may be entertained of this article, as the allotments are not limited by any minimum below which they must not fall.

of six or eight acres, suited to the spade culture; and allotments within that county may then be broken down by will, purchase, or otherwise to that standard.

XI. The property acquired in these allotments shall not carry along with it any right of common of any sort in the commons, moors, woodlands, private roads, or other appendages of the manor, excepting only in the nearest well and watering pond, and in the bog or common for turf, if that is the fuel of the country: this last right to be regulated by the usages of the manor, as if the allotment had been given off in lease only. Neither shall any use, prescription, or connivance, ever in course of time, procure the holder of such allotment any right of common that is not founded on, and ascertained by, express compact.[1]

[1] The acquisition of such rights would render the future assignation of settlements more difficult and complicated; besides, it ought to be a leading principle in every plan of reformation respecting property in land, that the present possessions of landholders having been acquired *bona fide*, under the protection of established laws, ought not to be disturbed or broke in upon, except just so far as natural justice and the greatest good of the whole absolutely require, and no farther: from whence it will follow that the persons, who are by this statute restored to their natural claims, shall not be allowed to claim or

XII. Those who are in possession of farms at the time of enacting this law shall not be entitled to get any part of their farms converted into freehold by its operation, until by the option of other claimants these farms be reduced to an extent of less than sixty acres.[1]

XIII. All who acquire property by the operation of this law shall be obliged to

possess, even for a time, any more than the precise extent of such natural claims ; while, on the other hand, those who are previously possessed of more than their just and natural right may be permitted to hold it until such time as a special claim, founded in natural justice and ascertained by this statute, be set up against their possession. The actual possessions of landholders are in part congruous to natural equity, and in part not : even in those parts of their extent which are not congruous to natural equity, no change is to be made until a particular claim founded in that natural equity requires such change to be made. On the other hand, in those parts of their possessions which are congruous to natural equity, viz., the right to improved value, such changes as the general good may require are to be made, in the manner of holding or occupying their possessions ; a just equivalent being, however, given them for their rights and possessions themselves.

[1] No injustice is done to the farmers by this restraint. They are already in possession of land on terms which they thought not ineligible : it will prevent their entering into cabals to retard the progress of the law, and to obstruct the breaking down of their farm by such claims ; they will be rather concerned to promote a progress which enables them the sooner to convert into property the most convenient part of their farm—that, to wit, which lies nearest to their residence.

perform double service in the militia of their country.

XIV. In every competition that may arise, orphans, and those that have served in the army or navy, shall be preferred to all others, and to one another according to the number of years they have served, or the early age at which they have been left orphans.

XV. Every person who has acquired an allotment of land in this manner shall pay to the lord of the manor certain aids and services of a feudal nature, so regulated as to produce that degree of connection and dependence which may be expedient for preserving order and subordination in the country without danger of giving rise to oppression and abuse.[1]

72. Such might be the general outlines of a statute which from the nature of its operation

[1] It is not impossible to devise such regulations, and though not absolutely necessary, they may prove beneficial in some degree. Suppose, for example, that on the death of any lord the vassals paid one year's rent to his successor; that on the death of a vassal, one year's rent was remitted by the lord; that during the minority of their lord, the vassals paid one-tenth more rent, and during the minority of a vassal one-third was remitted; that the bachelor vassals paid one-tenth additional rent, and the bachelor lord received one-tenth less; that the vassal having eight children was exempted from one-tenth of his rent, having twelve from one-fourth.

would not improperly be called a progressive Agrarian law. Other more simple plans might no doubt be adopted by a sovereign having the power and the inclination above supposed. Many such might be proposed, by any of which the present state of landed property in Europe might be very much improved, and rendered more consistent with natural justice and the best interests of the greater number; yet far less improved than might be expected from the establishment of a progressive Agrarian law, the plan of which seems to comprehend the following advantages over every other Agrarian law that has been attempted or proposed.[1]

(1) It tends to unite the real benefits of that levelling scheme which was the avowed object of the Greek and Roman Agrarian laws, and which the peasants of Europe, in a frenzy excited by oppression, have sometimes seemed to aim at; with the known advantages of unequal fortunes, and the free accumulation of real property, excluding at the same time the greater evils that attend on each.

[1] Almost all of Agrarian laws have proceeded on the plan of restricting that extent of landed property which an individual may acquire, and not the nature and the force of that right with which the landholder is invested. Thus endeavouring to establish an equality of fortune, they have been found impracticable, and, could they have been carried into execution, they must have proved detrimental to the progress of industry and of commerce.

(2) That its operation must proceed gradually and gently, under the regulation of two principles, the one acting as an accelerating force, viz., the demand of the lower ranks for independent settlements, the other acting as a retarding or restraining force, viz., the inconvenience which the present occupiers, at any given period of time, must undergo. The opposite interests of these two classes of men, this law tends to compromise on a plan the least unjust to the former, and the least incommodious to the latter, according to the circumstances of the country at every successive point of time, with all the variations of which circumstances the operation of this law will, of course, vary.

(3) That it provides for the easy gratification of that propensity so natural to mankind, to fix their settlements as near as may be to the places of their birth, and to extend themselves *de vicino de vicinum*, chiefly like the trees of the forest.

(4) That it reduces no citizen to the alternative of renouncing his inclination or his right. If he does not incline to become a cultivator, or a husbandman, he is not therefore deprived of all

opportunity of becoming so, when change of circumstances, or of his choice, shall so dispose him; when that time comes, he has free admission to an equal share of the soil of his country. Provision, however, is made, that whoever in the meantime has occupied that share shall not be dispossessed of it, with any circumstances of inconvenience, nor without a just compensation for labour bestowed and improvements made. In order to ascertain the amount of this compensation, recourse is had to the best expedient which the state of human affairs will permit, an expedient which in similar cases has been employed and found adequate.

(5) That it may be so adjusted as to confer suitable and effectual encouragement on the marriages and increasing progeny of the lower classes of men; not merely honours, exemptions, and prizes, which can fall only to the share of a few, but real establishments proportioned to their increasing wants, and consisting of the subject of industry and the means of subsistence.

(6) That by very easy variations it may be accommodated in a great measure to the municipal laws of any country,

and the interests of any prevailing order of men, so as that very considerable and important branches of it, if not the whole, may be engrafted on the established system, whatever that may be, without any apparent violence or much danger of exciting discontent.

73. There are three articles with regard to which these variations for adapting the progressive Agrarian to established systems and prevailing interests may require to be made :—

The lands which are made liable to claims of allotment.

The persons to whom the right of making such claims is given.

The nature of the right acquired in the allotments thus assigned.

(1) Natural justice and the greatest good of the whole community would require that all lands whatever should be subject to these claims until the whole country were divided into farms not exceeding the established standard. But this not being practicable, except in a few rare cases, and on such occasions as a new settlement or an absolute conquest, it might be expedient in most countries to restrain these claims to uncultivated lands alone, or to the forests and demesnes of the crown, either of which would prove of great public utility. This

Agrarian law might be established with regard to commons in general, restricting the right of making such claims on each separate common to the children of those who have a right of common in the same—a regulation perhaps not impracticable in England.

In almost every country there are some classes of men who, though they are allowed to possess property in land, are yet not reckoned to stand on the same footing with the bulk of the community, nor admitted to any share of government or legislative power. Such is the situation of Protestants in Roman Catholic, and of Roman Catholics in Protestant, countries. Might not such a statute be enacted in its full extent with regard to the lands of these proprietors? Might it not be enacted in its full extent with respect to lands whose proprietors are subjects of a foreign state? of which there are frequent instances on the Continent, and in most cases, these lands are subjected to double taxes, or other burdens, far less equitable than any detriment that might be incurred by the proprietor from the operation of this law.

The estates of absentees of a certain description, and still more the lands which at any time devolve by forfeiture to the public, might be made liable to such an Agrarian; the right of making claims on these estates being confined to natives of the same county or district.

If great proprietors are allowed to establish

perpetual entails, in opposition to the public interest, it ought only to be on condition of rendering their estates subject to such an Agrarian in its whole extent, by which the public detriment arising from the entail would be fully compensated, without defeating the private intention (which is in itself laudable enough) of rendering a great family permanent.

Even Jews might be permitted, without alarming any prejudice whatever, to purchase lands in any country, subject to the regulations of this Agrarian law in favour of Christian cultivators, and without that sort of dependence which is pointed out in the last article of the plan.

(2) Natural justice and the greatest good of the community would require that every man, arrived at the years of maturity, should have such a right. It might, however, without detriment, perhaps with advantage, be limited to those who are married, and might perhaps require at its first commencement to be limited to thirty-six or thirty-two years of age, in order to prevent too sudden a diminution of the number of day labourers and hired servants; this standard age, however, sinking gradually, one year at a time, once in the two years, until reduced to twenty-one.

However impracticable or inexpedient it may be in most countries to extend this privilege to all persons whatever of the legal age, there are

in every country certain useful and privileged classes to whom it might be willingly enough communicated by the legislature, as (1) those who have served a certain time in the army. This regulation might be easily admitted in Prussia, Austria, all over Germany, and indeed Europe in general; (2) those who have served a certain number of years in the fleets, or on board the trading vessels of their country. The prevailing eagerness for acquiring commerce and maritime power might well recommend such encouragement to this class of men everywhere. In most countries they make but a small proportion of the community, and where that proportion is large, there they are most highly valued and cherished by the State; (3) the sons and sons-in-law of clergymen in Protestant countries might be thought entitled to this privilege, if at any time reduced to the necessity of claiming it; (4) the peasant who has eight children alive, or six before he is thirty years of age, might be entitled to it in all countries; (5) and so might those who have been left orphans in their nonage, the daughters, when married, conveying this privilege to their husbands.

(3) As to the nature of the right acquired in the allotments of land—according to natural justice, it ought in all cases to be a perpetual tenure; but if this may not be obtained in all, it ought at least hardly ever to be departed from when uncultivated lands are allotted to the

claimant. If the lands have been already cultivated, a long lease may suffice ; and if they are fertile, that lease may be somewhat shorter, but ought in no case to fall below thirty-one years, with a life. On the expiration of every such lease, the tenant ought to have an option of renewing it again on paying an additional proportion of rent, as one-sixth, or such new rent as an assize may affix ; but if that affixed rent shall not exceed the old one in a certain proportion, as one-tenth, the tenant ought in that case to forfeit his right of renewing the lease.

By such variations may the principles of a progressive Agrarian law be accommodated to the established institutions of various countries ; and justly may it be affirmed that there is no country under the sun which might not derive great increase of prosperity from adopting one or other modification of such a law. Certain forms of this law might indeed be proposed, so simple in themselves, so little inconvenient to the present landholders, and yet so beneficial to the lower classes of men, that no good reason could be assigned why they ought not to be universally established in all parts of the world. Suppose, for example, that a petition were offered by the parties concerned, to any European legislature, requesting, with due respect, the establishment of the following regulation :— That soldiers, sailors, orphans, should be entitled to make claims of uncultivated lands within

their parishes and counties, on the boundaries of estates only, without acquiring any right of common, and to be possessed for forty years and a life rent, under such annual payment as an assize or arbitrators should determine to be the present annual value of the soil. What good reason could be offered for refusing so just a requisition? And were it flatly refused, what reason would there be to hesitate in pronouncing that legislature, whether monarch or senate, tyrannically oppressive, and unfaithful to the first objects of a sovereign's trust? But as in all parts of Europe the good of the people and the protection of the indigent and deserving, are held forth by governments as the pretexts of that authority which they assume, it could not well happen that so modest, so reasonable a request would be rejected in any country whatever; nor could it fail that the introduction of this very circumscribed form of a progressive Agrarian law, by showing an example of its advantages, and making known also the very inconsiderable amount of the inconveniences inseparable from it (which, while unknown, may be dreaded too much), would make way for its reception on a more extensive plan, as communicating the right of making options to various other classes of men, and in the cultivated as well as the barren lands of the State.

74. It would furnish the matter of a very interesting inquiry to examine what particular

modifications of such an Agrarian law might be accounted more especially suitable to, and most likely to find ready admittance in, various countries with whose municipal laws we are acquainted, and what peculiar branches of such law might be adapted to various conjunctures which have occurred, or may perhaps occur, in different states. North America has lately enjoyed an opportunity of new modelling the establishment of landed property, even to theoretical perfection. Among the fundamental laws of their new constitutions a well-regulated Agrarian ought to have found a place, and might have remained unrescinded by the articles of any auspicious coalition with the parent state, none of whose pretensions could be supposed to be infringed by the internal arrangements of such a statute.[1] Nor is that opportunity, though not observed in the great crisis of their fortune, wholly lost to countries where almost every citizen is annually admitted to vote for his

[1] In manufactures and commerce nations may be led to think that their interest requires them to rival and obstruct one another ; with respect to the progress of agriculture, it is hardly possible that they can fall into such a mistake.

It is manifestly the interest of every nation, whose lands are cultivated to the highest degree, or, being encumbered by ancient rights, cannot be brought into that state which is most favourable to the highest cultivation, to wish for and to promote the establishment of independent agriculture among its neighbours ; for the cultivation of that country having become stationary, it must owe any increase of prosperity and population to

representative in a legislative assembly, every member of which represents nearly an equal number of the people at large.

The whole landed property of Bengal and the other provinces which our East India Company has acquired is now absolutely at the disposal of that company and of the British Government. No nobler opportunity, no equal fund for exhibiting to mankind the illustrious pattern of a just and equal establishment of landed property, was ever by any conjuncture thrown into the hands of a set of men very capable of perceiving wherein the best use of such an occasion would consist. By making a proper use of it, and by the firm establishment of a beneficial landed property, some reparation might yet be made to that unhappy country for so many wrongs, and some testimony might be borne, amid so many ambiguous appearances, to the ancient honour and equitable disposition of the British nation; and what may be more directly regarded an additional security might thereby be provided for the permanency of our

manufactures and foreign commerce; and the more that other nations are occupied in cultivating their soil, the greater quantities of manufactured commodities will they stand in need of, and the less will they be able to furnish to themselves; the more, therefore, will they contribute to the prosperity of manufacturing nations near them.

To Britain, considered as a manufacturing and commercial nation, it might prove highly advantageous that regulations of the nature of a progressive Agrarian were established throughout the continent of North America.

acquisitions in that part of the world. To establish a just system of landed property, and to secure it by introducing the trial by jury, are perhaps the only innovations which Britain ought to make in the ancient institutions of Hindostan.[1]

The situation of Ireland during the peaceable years of the present reign might perhaps have encouraged the legislature of that country to establish some considerable branches of an

[1] Britain has derived considerable advantage from Bengal, Bihar, and Orissa, as states, and proposes to continue to reap the same, if not greater.

The advantages and profits arising from trade are earned by the exertions which that trade requires ; they are due to the persons by whom it is carried on, and into whose pockets they immediately enter ; and they may be supposed in some measure reciprocal to both countries. But what right can Britain, as a state, have to increase her own revenue by large sums deducted from a revenue raised on the subjects of Bengal ? How does it become her justice or her magnanimity, to receive such a tribute, unless repaid by the communication of well-ordered laws, and a reformed police ?

To transfer the whole code of English laws to Bengal is an attempt not much less absurd than to transfer the laws of Bengal to England, though probably some particular institutions of each country might be beneficially transferred to, or copied by, the other.

But the administration of the English laws, and that happy plan according to which justice is dispensed in this country, by the intervention of a jury, in all cases of any importance, and the privilege of a speedy trial, if the prisoner desires it, may no doubt be adapted to any system of laws that has been established in any country ; it would render the best still more beneficial, and the worst not intolerable to the people living under them.

Agrarian law (had it been suggested) in the estates of the Catholics; these regulations might have been so devised, and so promulgated, as to operate more effectually in attaching the common people of that persuasion, than in disgusting the great proprietors.[1]

[1] The distresses of Ireland, whatever they may have been, must be allowed by impartial observers to have arisen far more from the abuses of landed property than from the restrictions of commerce, and to have been aggravated by the want of an establishment for the maintenance of the poor, similar to that which does so much honour to England, and in consequence of which the domestic peace of that country is so easily preserved, without curbing the bold and manly spirit of the common people.

This establishment the legislature of Ireland will probably soon have occasion to take under consideration; and some benevolent men seem already to have turned their thoughts on that object.

It will not become them to be deterred by the errors and embarrassments into which England has fallen from attempting a scheme which justice, humanity, and the tranquillity of their country seem equally to require. It ought rather to animate their generous endeavours that Ireland may hope to be the first nation that shall exhibit this most humane and liberal of all municipal institutions in a state of improvement, which may render it equally beneficial to the rich and to the poor.

It must be much more difficult for England to reform the abuses of her ancient establishment than it ought to be for Ireland, profiting by the example of her errors, to establish at once a new system of more uniformly beneficial effects.

The vexation of settlement disputes might be avoided by throwing the supernumerary poor of a parish on some county fund, and the supernumerary poor of a county on the general funds of the nation.

The encouragement of idleness might be prevented by

It seems not unlikely that the proprietors of extensive grazings in the south of Ireland might be more easily reconciled to the establishment of such an Agrarian than the holders of arable estates to the same value may be hoped to be; as these proprietors of grazings have so few people on their wide domains, they would not be so sensible as other landholders to the loss of

giving the clergyman of each parish a negative on the disposal of the poor's money; by the interposition of which he might prevent its being given to the undeserving, or too liberally to any. Nor ought it to be suspected that the ministers of religion would abuse this sort of power.

After all, to lay open the uncultivated lands of the State to claims made by the industrious poor for the sake of cultivation, will be found the most solid foundation of any new establishment for the maintenance of the poor, and the most effectual expedient for rectifying the abuses of an old system, or moderating the demands for its support.

The practice of letting estates to intermediate tenants or middlemen is one of those grievances under which the industry of the Irish poor has laboured. That practice will gradually be laid aside; but the change, it may be apprehended, will not prove equally beneficial to the cultivators and to the landlords, as in all reason it ought to be.

Such is the influence of habitual modes of thinking that those who exclaim most against the exorbitant profit of the middleman seem not to perceive that it is unjust, because it has been squeezed from the humble industry of the cultivator without any equivalent given for it; but think that it is so, because it is kept from being paid into the chests of rich and indolent landlords, whose title is not better founded than that of the other.

Suppose that an estate farmed by a middleman who draws from it a profit equal to the rent he pays had been

influence and that degree of dominion over men, which is no doubt one of the principal charms of landed property. Their rents might probably be increased by the innovation, for surely the free produce of the ground might be greater under alternate tillage and grazing than when kept perpetually in grass. Supposing, however,

kept in the landholder's own management, and the rent raised to the same degree as by the middleman, wherein would there have been any difference in respect of the tenants and cultivators ? Would they have suffered less injustice if deprived of this great share of the produce and just reward of their industry by the landlord, than if deprived of it by the middleman ? What right can the landlord have acquired by purchase, which he cannot transfer to the middleman during his lease ?

The middleman is described to be one whose business and whose industry consist in hiring great tracts of land as cheap as he can, and reletting them to others as dear as he can. May not the landholder and his ancestors be described as a race of men whose business and whose industry have for successive generations consisted in buying up large tracts of land as cheap as they can, and letting them to others as dear as they can ?

It must be difficult to say what right the one set of men, more than the other, can have to appropriate any share of the produce of additional industry employed by the cultivator in improving the soil : the injustice and absurdity of the landlord's claim to improvable value may appear in the strongest light when considered in this delegated form.

Were the Sovereign of Ireland an absolute monarch, and did he interpose when the middleman's lease becomes vacant, to prevent the landlord from exacting more rent than he formerly received, would not that award be made in conformity to natural justice, and the best principles of that public economy, according to which the rewards of industry ought to be distributed ?

that their rents were only kept up (which they ought to be at least), they could have little aversion to a few independent settlements on the frontiers of their extensive estates; or if they had such aversion, they could not apprehend that in parts of the kingdom so thinly peopled the increase of these settlements would advance very fast.

In the present doubtful state of that country,[1] it is supposed that the volunteer corps, who have taken up arms for obtaining a free trade, are for the most part composed of persons who might derive advantage from equitable regulations of property in land. Should these men come to apprehend their own interest in that point, and should they think of insisting on the establishment of any such regulations in favour of themselves and their posterity, or for the community in general, would not their present ascendant enable them to accomplish this desire, if not carried to any intemperate extreme? Would not this be a much more important object, and more worthy of their generous enthusiasm, than that almost nominal independence of Great Britain, which they appear at present so eager to obtain? Is it not at the same time the interest of Great Britain that their ardour should take this direction,—for avoiding the threatened contest, for increasing the common strength in the most effectual manner, for diverting the

[1] September, 1780.

industry of Ireland from an immediate rivalship in manufactures, which, notwithstanding all suppositions to the contrary, is very justly to be dreaded by Great Britain. Had the minds of men been prepared in any degree for thinking with freedom on the subject of landed property, and could the times have admitted of any hazardous delay, it might have been reckoned very liberal policy in the British Minister to have undertaken the patronage of the Irish common people against their own parliament and landholders, and then at least, when he promoted the bills relative to freedom of trade, to have annexed to them conditions of regulation for landed property, by which the freedom of agriculture might have been established at the same time.

It is only in purely democratical governments, of which there are very few, or in unlimited monarchies during the reign of a sovereign endowed with superior wisdom and capacity, that any sudden or effectual reformation of the abuses of landed property can be expected.[1]

[1] The more unlimited that power is with which any monarch is invested, the more it seems incumbent on him to attend with peculiar care to the protection of the common people. Other ranks have their privileges, their wealth, and acquisitions of various kinds, to protect and support them; but the common people have none of these, and not having representatives in any legislative council, as under limited monarchs, the sovereign himself is in fact their representative, and cannot but perceive that he ought to be in a more particular manner the guardian of this helpless class of men.

Of all the absolute princes who have reigned in Europe for many ages, none has appeared so well qualified as the present King of Prussia for conceiving and carrying into execution, in the best and most genuine form, any great and singular project of this nature. Had the idea of reforming the constitution of landed property presented itself to his mind, in the earlier part of his reign, or had it been suggested by any of the philosophers whom he called around his throne, that penetration with which he discerns, and that royal patriotism with which he steadily pursues the real advantage and strength of his state, together with the native generosity of his sentiments, must without doubt have attached him very strongly to a scheme so magnificent

Perhaps even the oppression of the taille, if it must not be removed, might in some degree be alleviated, by communicating to the cultivators a more permanent right in the soil which they cultivate.

The condition of *Metayers*, who pay a certain proportion, generally one-half of the produce of their farm, might receive a very great improvement, attended with great increase of profit to the landlords themselves, if that payment was to be regulated by valuations of the produce made at considerable intervals.

It is not probable that the narrow views of the landholders will permit them to embrace such a general plan. Could the sovereign authority be employed to compel them, it would be a very glorious and beneficial exertion of absolute power.

It may be received as a general maxim of very important application, that if any rent, tax, taille, or tithe is to be levied from the produce of cultivation, and to bear proportion to the increase of that produce, the interest of

and so beneficial. And however difficult the execution might have proved to other princes, it is plain that no material obstacle would have presented itself to that high authority wherewith this monarch is accustomed to regulate and to change the most respected establishments of his kingdom. It may be deemed no slight confirmation of the preceding speculations that this sagacious prince, although it does not appear that he has ever entered into any theoretical investigation concerning the nature and just extent of the right of landed property, has in fact practically adopted some of those maxims which such investigations tend to establish. No object is said to engage his attention more than the protection of peasants from the power of their lords. Amid the rigour of a military

the cultivators, and of the persons having right to the tax, will be most effectually combined, not by an annual variation of its amount, nor by a rate fixed for ever, but by a periodical valuation, returning after fixed and considerable intervals.

Unlimited monarchs themselves, in resuming and regulating the improvident grants which their ancestors have made of Crown lands, forests, and domains, find it requisite to use much tenderness, and to take many precautions for avoiding odium, when these resumptions are to be made for the advantage of the treasury alone (see *Compte rendu au Roi*, par M. Necker). But if the leading object of such resumptions was understood to be a desire of accommodating the industrious poor of the neighbouring districts with small independent settlements in full property, such a benevolent measure, while it might be made to promote the increase of the revenue very much, could not fail to meet with the national applause.

discipline by which his armies are rendered superior to any that the world has seen elsewhere, every native Prussian soldier is accustomed to the domestic engagements of a citizen and the industrious economy of a farmer or artisan; and during peace, one-half or two-thirds of them are dismissed to the cultivation of the fields, or other industrious occupations, for nine or ten months in the year.

Posterity will probably applaud this happy combination, and the very simple plan by which it is accomplished, above all those manœuvres of the parade and of the field which his contemporaries are so proud to imitate. As for the landholders, so little is he influenced by partiality to them, or any apprehensions of their discontents, that he actually levies a tax of thirty-three per cent. (and in the case of noble tenures more) on the real, not the supposed, rents of their estates. Is not this treating them (in conformity to that idea of their just rights formerly suggested) as merely trustees or bankers for the public, to the full amount of the original value of the soil?

75. Still, it must be acknowledged that after setting aside all objections arising from the interest of landholders, and the prejudices of established opinion, there are not wanting others of a general nature which may be opposed, and not without some appearance of foundation, to the establishment of a progressive Agrarian

law. That uncertain and fluctuating state into which all possession of land beyond the standard farm will be thrown, may be apprehended to prove extremely unfavourable to any spirited and vigorous cultivation, which is chiefly to be looked for in extensive farms. In the plan of a progressive Agrarian, more than one clause is calculated to moderate this fluctuation; greater force may be given to these, and new clauses of corresponding effect may be added. It might be provided, for example, that none but barren and uncultivated lands should be open to claimants, at all times; cultivated lands only one year in seven, or any longer period that may be thought requisite for the security of cultivation; neither indeed ought uncertainty of possession to damp very much the spirit of improvement, while the improver is still secure of an adequate reward for the pains he may have taken; and that reward is to be assigned him by the verdict of an assize; at the worst, in proportion as the spirit of improvement may be damped in extensive farms, it will be encouraged and excited in the smaller, where possession and full property is rendered secure; and in these, improvements being carried on under the immediate continual inspection, and almost by the hands of the improver himself, they will be accomplished with more economy, that is, with more advantage to the public and to individuals than commonly happens in extensive undertakings of this sort.

The discouragement of established manufactures and the increase of litigious contention are in like manner objections which must be admitted to a certain extent, yet not to that degree as to be accounted national calamities, or to equiponderate the obvious and great advantages likely to arise from a due regulation of landed property.

It cannot be supposed that any great number of men, educated to manufactures and accustomed to the practice of mechanic arts, will be withdrawn from their respective trades, even by the free opportunities of engaging in independent agriculture; but a competition will take place with respect to the rising progeny of the present race, and if the greater number shall attach themselves to agriculture, it need not be regarded as any detriment to the public, since, the number of citizens remaining the same, they will be employed in a way which they themselves prefer, and probably to the advantage of their health and of their manners.[1]

[1] Even in Great Britain, although the whole legislative power rests in the hands of the landholders, it is not too sanguine to hope that time and favourable occasions, and general views of public good, which, in this fortunate country, have sometimes triumphed in part over the strongest partial interests, may give rise to some innovations favourable to the independent settlements of the labouring poor.

At the conclusion of this or some future war, may not the indulgence granted to disbanded soldiers be extended so far as to enable them to make small settlements after

With whatever violence the increase of litigation may break forth in consequence of regulations so new, so important, and not a little complicated, the duration of that evil cannot be very lasting. In a few years doubtful cases will be cleared up, and precedents of extensive application will be established, and whilst the attention of judicatories and of clients is engaged in settling these new points, the influence of other causes by which litigation is commonly produced will be in some degree suspended.

As for the beneficial effects of such a statute, the candid and intelligent are requested to

the manner of the progressive Agrarian law in the uncultivated lands of their respective parishes or counties.

May not the present method of dividing and enclosing commons, which, though favourable to cultivation, is known to curtail very much the independent rights and comfortable circumstances of the lower orders of the poor, be exchanged for some plan more allied in its aim to the provisions of a progressive Agrarian.

If the present system of division is still retained, might not the common so enclosed be made liable to options similar to those of a progressive Agrarian law, to commence after it has been fully improved, or fifty years after the division ?

Might not persons possessing land in right of the Church be enabled, under proper limitations, to grant leases of very considerable duration on farms of a certain small extent ? Might not some plan be devised by which the interest of the Church, of the present incumbents, and of the industrious poor, might be consulted at the same time ?

If ever England or Ireland should set to the other nations of Europe an example of the highest prudence and advantage by establishing a periodical valuation of

estimate in their own thoughts what these might prove in the district with which they are most particularly acquainted, and to consider whether it would not very much improve the condition and the prospects of the day labourer, the hired servant, and the working manufacturer, without imposing on the established farmer or the landlord any unjust or even any considerable inconvenience? Whether it would not lessen the number of the indigent and the idle, and so reduce the rate of that tax by which the rich are obliged to maintain them? Whether it would not tend to promote cultivation and the

tithes, it may be hoped that some provisions allied to those of the progressive Agrarian may be made to enter into that plan, for the sake of increasing the amount of that gross produce whose value is to be periodically ascertained.

If ever any plan shall be carried into execution for a sale of Crown lands and forests, it may be hoped that so favourable an occasion of consulting the independence of agriculture, by providing for the labouring poor opportunities of permanent settlements in small farms, will not be neglected; and that even the consideration of a little more increase of the revenue which might arise from pursuing other measures will not be put into comparison with it.

Ought not every estate which descends to heirs in tail to become subject *ipso facto* to some branches of a progressive Agrarian?

Might not the heir of such an estate be enabled to make void the entail over one-third or fourth part of the estate, and to alienate it at pleasure, provided it is broken down into small farms of a single plough each, on leases of 300 years, or made subject to the options of a progressive Agrarian law, before this alienation takes place?

fertility of the soil, to favour the increase of population, and to improve the manners and virtues of the great body of the people? After having made this estimate, let them consider what might have been the present state of that district had such a progressive Agrarian law or any capital branch of that statute been established there one hundred or even fifty years ago.[1]

[1] The wisest and most beneficial schemes are in some men's opinions effectually turned into ridicule, when it is shown, or even asserted, that they cannot be carried into execution. The consideration of such plans may, however, put to shame the abuses of those which are established, by showing how widely they differ from what is beneficial or wise. If the exhibition of such a contrast cannot remove pernicious abuses, it may in some degree restrain the rapidity of their increase.

Various objects have engaged the enthusiasm and excited the efforts of mankind in successive ages: schemes of conquest and settlement in one age; plans of civil and religious liberty in another; manufactures and commerce have now their turn; and perhaps in some not very distant age the independence of cultivation, established on a just regulation of property in land, may become the favourite pursuit of nations, and the chief object of public spirited endeavours. The present tendency of men's opinions and inquiries, promoted by the actual state of the most enlightened nations, seems to lead towards it.

"Sic poscere fata,
"Et reor, et si quid veri mens augurat, opto."

AGRARIAN JUSTICE

By Thomas Paine

AGRARIAN JUSTICE

OPPOSED TO

Agrarian Law,

AND TO

AGRARIAN MONOPOLY;

BEING A PLAN FOR

MELIORATING THE CONDITION OF MAN,

BY CREATING IN EVERY NATION A

NATIONAL FUND,

To pay to every Person, when arrived at the Age of Twenty-one Years, the sum of Fifteen Pounds Sterling, to enable him, or her, to begin the World;

AND ALSO,

Ten Pounds Sterling per Annum during Life to every Person now living, of the Age of Fifty Years, and to all Others when they shall arrive at that Age, to enable them to live in Old Age without Wretchedness, and go decently out of the World.

By THOMAS PAINE.

PREFACE

THE following little piece was written in the winter of 1795 and 96; and, as I had not determined whether to publish it during the present war, or to wait till the commencement of a peace, it has lain by me, without addition, from the time it was written.

What has determined me to publish it now is, a Sermon, preached by Watson, Bishop of Landaff. Some of my readers will recollect, that this Bishop wrote a book, entitled "An Apology for the Bible," in answer to my "Second Part of the Age of Reason." I procured a copy of his book, and he may depend upon hearing from me on that subject.

At the end of the Bishop's book is a list of the works he has written, among which is the Sermon alluded to; it is entitled "The Wisdom and Goodness of God in having made both rich and poor; with an Appendix containing Reflections on the present State of England and France."

The error contained in the title of this Sermon, determined me to publish my *Agrarian Justice*. It is wrong to say that God made *Rich* and *Poor*;

he made only *Male* and *Female*; and he gave them the earth for their inheritance.

* * * * * *

Instead of preaching to encourage one part of mankind in insolence * * * it would be better that the Priests employed their time to render the condition of man less miserable than it is. Practical Religion consists in doing good; and the only way of serving God is, that of endeavouring to make his creation happy.—All preaching that has not this for its object is nonsense and hypocrisy.

THOMAS PAINE.

Considerable pains have been taken to procure a perfect copy of this pamphlet, but it does not appear that any such thing was ever printed in England. The publisher is therefore reluctantly compelled to insert the asterisks as in the former edition.

AGRARIAN JUSTICE

To preserve the benefits of what is called civilized life, and to remedy, at the same time, the evils it has produced, ought to be considered as one of the first objects of reformed legislation.

Whether that state that is proudly, perhaps erroneously, called civilization, has most promoted or most injured the general happiness of man, is a question that may be strongly contested. On one side the spectator is dazzled by splendid appearances ; on the other he is shocked by extremes of wretchedness ; both of which he has created. The most affluent and the most miserable of the human race are to be found in the countries that are called civilized.

To understand what the state of society ought to be, it is necessary to have some idea of the natural and primitive state of man ; such as it is at this day among the Indians of North America. There is not, in that state, any of those spectacles of human misery which poverty and want present to our eyes in all the towns and streets in Europe. Poverty, therefore, is a thing created by that which is called civilized life. It exists not in the natural state. On the

other hand, the natural state is without those advantages which flow from Agriculture, Arts, Sciences, and Manufactures.

The life of an Indian is a continual holiday, compared with the poor of Europe; and on the other hand, it appears to be abject when compared to the rich. Civilization, therefore, or that which is so called, has operated two ways, to make one part of society more affluent, and the other part more wretched than would have been the lot of either in a natural state.

It is always possible to go from the natural to the civilized state, but it is never possible to go from the civilized to the natural state. The reason is, that man, in a natural state, subsisting by hunting, requires ten times the quantity of land to range over to procure himself sustenance, than would support him in a civilized state, where the earth is cultivated. When, therefore, a country becomes populous by the additional aids of cultivation, arts, and science, there is a necessity of preserving things in that state; without it, there cannot be sustenance for more, perhaps, than a tenth part of its inhabitants. The thing, therefore, now to be done is, to remedy the evils, and preserve the benefits that have arisen to society, by passing from the natural to that which is called the civilized state.

Taking then the matter upon this ground, the first principle of civilization ought to have been, and ought still to be, that the condition of every

person born into the world, after a state of civilization commences, ought not to be worse than if he had been born before that period. But the fact is, that the condition of millions, in every country in Europe, is far worse than if they had been born before civilization began, or had been born among the Indians of North America of the present day. I will show how this fact has happened.

It is a position not to be controverted, that the earth, in its natural uncultivated state, was, and ever would have continued to be, the COMMON PROPERTY OF THE HUMAN RACE. In that state every man would have been born to property. He would have been a joint life-proprietor with the rest in the property of the soil, and in all its natural productions, vegetable and animal.

But the earth in its natural state, as before said, is capable of supporting but a small number of inhabitants compared with what it is capable of doing in a cultivated state. And as it is impossible to separate the improvement made by cultivation, from the earth itself, upon which that improvement is made, the idea of landed property arose from that inseparable connection; but it is nevertheless true, that it is the value of the improvement only, and not the earth itself, that is individual property. Every proprietor, therefore, of cultivated land, owes to the community a *ground-rent*, for I know no better term to express the idea by, for the land which

he holds; and it is from this ground-rent that the fund proposed in this plan is to issue.

It is deducible, as well from the nature of the thing, as from all the histories transmitted to us, that the idea of landed property commenced with cultivation, and that there was no such thing as landed property before that time. It could not exist in the first state of man, that of hunters; it did not exist in the second state, that of shepherds: neither Abraham, Isaac, Jacob, or Job, so far as the history of the Bible may be credited in probable things, were owners of land. Their property consisted, as is always enumerated, in flocks and herds, and they travelled with them from place to place. The frequent contentions at that time about the use of a well in the dry country of Arabia, where those people lived, show also there was no landed property. It was not admitted that land could be located as property.

There could be no such things as landed property originally. Man did not make the earth, and, though he had a natural right to *occupy* it, he had no right to *locate* as *his property* in perpetuity any part of it; neither did the Creator of the earth open a land-office, from whence the first title-deeds should issue.—From whence then arose the idea of landed property? I answer as before, that when cultivation began, the idea of landed property began with it; from the impossibility of separating the improvement

made by cultivation from the earth itself upon which that improvement was made. The value of the improvement so far exceeded the value of the natural earth, at that time, as to absorb it; till, in the end, the common right of all became confounded into the cultivated right of the individual. But they are nevertheless distinct species of rights, and will continue to be so as long as the world endures.

It is only by tracing things to their origin, that we can gain rightful ideas of them; and it is by gaining such ideas that we discover the boundary that divides right from wrong, and which teaches every man to know his own. I have entitled this tract *Agrarian Justice*, to distinguish it from *Agrarian Law*. Nothing could be more unjust than Agrarian Law in a country improved by cultivation; for though every man, as an inhabitant of the earth, is a joint proprietor of it in its natural state, it does not follow that he is a joint proprietor of cultivated earth. The additional value made by cultivation, after the system was admitted, became the property of those who did it, or who inherited it from them, or who purchased it. It had originally an owner. Whilst, therefore, I advocate the right, and interest myself in the hard case of all those who have been thrown out of their natural inheritance by the introduction of the system of landed property, I equally defend the right of the possessor to the part which is his.

Cultivation is, at least, one of the greatest natural improvements ever made by human invention. It has given to created earth a tenfold value. But the landed monopoly, that began with it, has produced the greatest evil. It has dispossessed more than half the inhabitants of every nation of their natural inheritance, without providing for them, as ought to have been done, an indemnification for that loss; and has thereby created a species of poverty and wretchedness that did not exist before.

In advocating the case of the persons thus dispossessed, it is a right and not a charity that I am pleading for. But it is that kind of right which, being neglected at first, could not be brought forward afterwards, till heaven had opened the way by a revolution in the system of government. Let us then do honour to revolutions by justice, and give currency to their principles by blessings.

Having thus, in a few words, opened the merits of the case, I proceed to the plan I have to propose, which is,

To create a National Fund, out of which there shall be paid to every person, when arrived at the age of twenty-one years, the sum of Fifteen Pounds sterling, *as a compensation in part for the loss of his or her natural inheritance by the introduction of the system of landed property; and also the sum of* Ten Pounds per annum,

during life, to every person now living of the age of fifty years, and to all others as they shall arrive at that age.

Means by which the Fund is to be created.

I have already established the principle, namely, that the earth, in its natural uncultivated state, was, and ever would have continued to be, the COMMON PROPERTY OF THE HUMAN RACE—that in that state every person would have been born to property—and that the system of landed property, by its inseparable connection with cultivation, and with what is called civilized life, has absorbed the property of all those whom it dispossessed, without providing, as ought to have been done, an indemnification for that loss.

The fault, however, is not in the present possessors. No complaint is intended, or ought to be alleged against them, unless they adopt the crime by opposing justice. The fault is in the system, and it has stolen imperceptibly upon the world, aided afterwards by the Agrarian law of the sword. But the fault can be made to reform itself by successive generations, without diminishing or deranging the property of any of the present possessors, and yet the operation of the fund can commence, and be in full activity the first year of its establishment, or soon after, as I shall show.

It is proposed that the payments, as already stated, be made to every person, rich or poor. It is best to make it so, to prevent invidious distinctions. It is also right it should be so, because it is in lieu of the natural inheritance, which, as a right, belongs to every man, over and above the property he may have created or inherited from those who did. Such persons as do not choose to receive it, can throw it into the common fund.

Taking it then for granted, that no person ought to be in a worse condition when born under what is called a state of civilization, than he would have been, had he been born in a state of nature, and that civilization ought to have made, and ought still to make, provision for that purpose, it can only be done by subtracting from property a portion equal in value to the natural inheritance it has absorbed.

Various methods may be proposed for this purpose, but that which appears to be the best, not only because it will operate without deranging any present possessions, or without interfering with the collection of taxes, or emprunts necessary for the purpose of Government and the Revolution, but because it will be the least troublesome and the most effectual, and also because the subtraction will be made at a time that best admits it, which is, at the moment that property is passing by the death of one person to the possession of another. In this case, the

bequeather gives nothing; the receiver pays nothing. The only matter to him is, that the monopoly of natural inheritance, to which there never was a right, begins to cease in his person. A generous man would wish it not to continue, and a just man will rejoice to see it abolished.

My state of health prevents my making sufficient inquiries with respect to the doctrine of probabilities, whereon to found calculations with such degrees of certainty as they are capable of. What, therefore, I offer on this head is more the result of observation and reflection, than of received information; but I believe it will be found to agree sufficiently enough with fact.

In the first place, taking twenty-one years as the epoch of maturity, all the property of a Nation, real and personal, is always in the possession of persons above that age. It is then necessary to know as a datum of calculation, the average of years which persons above that age will live. I take this average to be about thirty years, for though many persons will live forty, fifty, or sixty years after the age of twenty-one years, others will die much sooner, and some in every year of that time.

Taking, then, thirty years as the average of time, it will give without any material variation, one way or other, the average of time in which the whole property or capital of a Nation, or a sum equal thereto, will have passed through one

entire revolution in descent, that is, will have gone by deaths to new possessors; for though, in many instances, some parts of this capital will remain forty, fifty, or sixty years in the possession of one person, other parts will have revolved two or three times before that thirty years expire, which will bring it to that average; for were one-half the capital of a Nation to revolve twice in thirty years, it would produce the same fund as if the whole revolved once.

Taking, then, thirty years as the average of time in which the whole capital of a Nation, or a sum equal thereto, will revolve once, the thirtieth part thereof will be the sum that will revolve every year, that is, will go by deaths to new possessors; and this last sum being thus known, and the ratio per cent. to be subtracted from it being determined, will give the annual amount or income of the proposed fund, to be applied as already mentioned.

In looking over the discourse of the English Minister, Pitt, in his opening of what is called in England *the budget* (the scheme of finance for the year 1796), I find an estimate of the national capital of that country. As this estimate of a national capital is prepared ready to my hand, I take it as a datum to act upon. When a calculation is made upon the known capital of any Nation combined with its population, it will serve as a scale for any other nation, in proportion as its capital and population be more or less. I am

the more disposed to take this estimate of Mr Pitt, for the purpose of showing to that Minister, upon his own calculation, how much better money may be employed, than in wasting it, as he has done, on the wild project of setting up Bourbon kings. What, in the name of Heaven, are Bourbon kings to the people of England? It is better that the people of England have bread.

Mr Pitt states the national capital of England, real and personal, to be one thousand three hundred millions sterling, which is about one-fourth part of the national capital of France, including Belgia. The event of the last harvest in each country proves that the soil of France is more productive than that of England, and that it can better support twenty-four or twenty-five millions of inhabitants than that of England can seven, or seven and an half.

The thirtieth part of this capital of £1,300,000,000 is £43,333,333, which is the part that will revolve every year by deaths in that country to new possessors; and the sum that will annually revolve in France in the proportion of four to one, will be about one hundred and seventy-three millions sterling. From this sum of £43,333,333 annually revolving, is to be subtracted the value of the natural inheritance absorbed in it, which perhaps, in fair justice, cannot be taken at less, and ought not to be taken at more, than a tenth part.

It will always happen, that of the property

thus revolving by deaths every year, part will descend in a direct line to sons and daughters, and the other part collaterally, and the proportion will be found to be about three to one; that is, about thirty millions of the above sum will descend to direct heirs, and the remaining sum of £13,333,333 to more distant relations and part to strangers.

Considering then that man is always related to society, that relationship will become comparatively greater in proportion as the next of kin is more distant. It is therefore consistent with civilization, to say, that where there are no direct heirs, society shall be heir to a part over and above the tenth part due to society. If this additional part be from five to ten or twelve per cent. in proportion as the next of kin be nearer or more remote, so as to average with the escheats that may fall, which ought always to go to society and not to the Government, an addition of ten per cent. more, the produce from the annual sum of £43,333,333 will be,

From 30,000,000—at 10 per cent.	£3,000,000
From 13,333,333—at 10 per cent. with addition 10 per more	2,666,666
£43,333,333	£5,666,666

Having thus arrived at the annual amount of the proposed fund, I come, in the next place, to

speak of the population proportioned to this fund, and to compare it with the uses to which the fund is to be applied.

The population (I mean that of England) does not exceed seven millions and a half, and the number of persons, above the age of fifty will, in that case, be about four hundred thousand. There would not, however, be more than that number that would accept the proposed ten pounds sterling per annum, though they would be entitled to it. I have no idea it would be accepted by many persons who had a yearly income of two or three hundred pounds sterling. But as we often see instances of rich people falling into sudden poverty, even at the age of sixty, they would always have the right of drawing all the arrears due to them. Four millions, therefore, of the above annual sum of £5,666,666 will be required for four hundred thousand aged persons, at ten pounds sterling each.

I come now to speak of the persons annually arriving at twenty-one years of age. If all the persons who died were above the age of twenty-one years, the number of persons annually arriving at that age, must be equal to the annual number of deaths to keep the population stationary. But the greater part die under the age of twenty-one, and therefore the number of persons annually arriving at twenty-one, will be less than half the number of deaths. The whole

number of deaths upon a population of seven millions and a half, will be about 220,000 annually. —The number at twenty-one years of age will be about 100,000. The whole number of these will not receive the proposed fifteen pounds, for the reasons already mentioned, though, as in the former case, they would be entitled to it. Admitting, then, that a tenth part declined receiving it, the amount would stand thus:

Fund annually		£5,666,666
To 400,000 aged persons, at £10 each . .	£4,000,000	
To 90,000 persons of twenty-one years, £15 sterling each	£1,350,000	5,350,000
Remains		£316,666

There are in every country a number of blind and lame persons, totally incapable of earning a livelihood. But as it will happen that the greater number of blind persons will be among those who are above the age of fifty years, they will be provided for in that class. The remaining sum of £316,666, will provide for the lame and blind under that age, at the same rate of £10 annually for each person.

Having now gone through all the necessary calculations, and stated the particulars of the plan, I shall conclude with some observations.

It is not charity but a right—not bounty but

justice, that I am pleading for. The present state of what is called civilization is * * *. It is the reverse of what it ought to be, and * * *. The contrast of affluence and wretchedness continually meeting and offending the eye, is like dead and living bodies chained together. Though I care as little about riches as any man, I am a friend to riches, because they are capable of good. I care not how affluent some may be, provided that none be miserable in consequence of it.—But it is impossible to enjoy affluence with the felicity it is capable of being enjoyed, whilst so much misery is mingled in the scene. The sight of the misery, and the unpleasant sensations it suggests, which though they may be suffocated cannot be extinguished, are a greater drawback upon the felicity of affluence than the proposed ten per cent. upon property is worth. He that would not give the one to get rid of the other, has no charity, even for himself.

There are in every country some magnificent charities established by individuals. It is, however, but little that any individual can do when the whole extent of the misery to be relieved is considered. He may satisfy his conscience, but not his heart. He may give all that he has, and that all will relieve but little. It is only by organising civilization upon such principles as to act like a system of pullies, that the whole weight of misery can be removed.

The plan here proposed will reach the whole. It will immediately relieve and take out of view three classes of wretchedness: the blind, the lame, and the aged poor. It will furnish the rising generation with means to prevent their becoming poor; and it will do this, without deranging or interfering with any national measures.

To show that this will be the case, it is sufficient to observe, that the operation and effect of the plan will, in all cases, be the same, as if every individual was *voluntarily* to make his will, and dispose of his property, in the manner here proposed.

But it is justice, and not charity, that is the principle of the plan. In all great cases it is necessary to have a principle more universally active than charity; and with respect to justice, it ought not to be left to the choice of detached individuals, whether they will do justice or not. Considering, then, the plan on the ground of justice, it ought to be the act of the whole, growing spontaneously out of the principles of the revolution, and the reputation of it to be national, and not individual.

A plan upon this principle would benefit the revolution by the energy that springs from the consciousness of justice. It would multiply also the national resources; for property, like vegetation, increases by off-sets. When a young couple begin the world, the difference is exceedingly great, whether they begin with nothing

or with fifteen pounds apiece. With this aid they could buy a cow, and implements to cultivate a few acres of land ; and instead of becoming burthens upon society, which is always the case, where children are produced faster than they can be fed, they would be put in the way of becoming useful and profitable citizens. The national domains also would sell the better, if pecuniary aids were provided to cultivate them in small lots.

It is the practice of what has unjustly obtained the name of civilization (and the practice merits not to be called either charity or policy) to make some provision for persons becoming poor and wretched, only at the time they become so.—Would it not, even as a matter of economy, be far better to devise means to prevent their becoming poor? This can best be done by making every person, when arrived at the age of twenty-one years, an inheritor of something to begin with. The rugged face of society, checquered with the extremes of affluence and of want, proves that some extraordinary violence has been committed upon it, and calls on justice for redress. The great mass of the poor, in all countries, are become an hereditary race, and it is next to impossible for them to get out of that state of themselves. It ought also to be observed, that this mass increases in all the countries that are called civilized. More persons fall annually into it, than get out of it.

Though in a plan in which justice and humanity are the foundation principles, interest ought not to be admitted into the calculation, yet it is always of advantage to the establishment of any plan, to show that it is beneficial as a matter of interest. The success of any proposed plan, submitted to public consideration, must finally depend on the numbers interested in supporting it, united with the justice of its principles.

The plan here proposed will benefit all without injuring any. It will consolidate the interest of the republic with that of the individual. To the numerous class dispossessed of their natural inheritance by the system of landed property, it will be an act of national justice. To persons dying possessed of moderate fortunes, it will operate as a tontine to their children, more beneficial than the sum of money paid into the fund; and it will give to the accumulation of riches a degree of security that none of the old Governments of Europe, now tottering on their foundation, can give.

I do not suppose, that more than one family in ten, in any of the countries of Europe, has, when the head of the family dies, a clear property left of five hundred pounds sterling. To all such the plan is advantageous. That property would pay fifty pounds into the fund, and if there were only two children under age, they would receive fifteen pounds each (thirty pounds) on coming

of age, and be entitled to ten pounds a year after fifty. It is from the overgrown acquisition of property that the fund will support itself; and I know that the possessors of such property in England, though they would eventually be benefited by the protection of nine-tenths of it, will exclaim against the plan. But, without entering into any inquiry how they came by that property, let them recollect, that they have been the advocates of this war, and that Mr Pitt has already laid on more new taxes to be raised annually upon the People of England, and that for supporting the despotism of Austria and the Bourbons, against the liberties of France, than would annually pay all the sums proposed in this plan.

I have made the calculations, stated in this plan, upon what is called personal, as well as upon landed property. The reason for making it upon land is already explained; and the reason for taking personal property into the calculation, is equally well founded, though on a different principle. Land, as before said, is the free gift of the Creator in common to the human race. Personal property is the *effect of Society*; and it is as impossible for an individual to acquire personal property without the aid of Society, as it is for him to make land originally. Separate an individual from society, and give him an island or a continent to possess, and he cannot acquire personal property. He cannot

become rich. So inseparably are the means connected with the end, in all cases, that where the former do not exist, the latter cannot be obtained. All accumulation, therefore, of personal property, beyond what a man's own hands produce, is derived to him by living in society; and he owes, on every principle of justice, of gratitude, and of civilization, a part of that accumulation back again to society from whence the whole came. This is putting the matter on a general principle, and perhaps it is best to do so; for if we examine the case minutely, it will be found, that the accumulation of personal property is, in many instances, the effects of paying too little for the labour that produced it; the consequence of which is, that the working hand perishes in old age, and the employer abounds in affluence. It is, perhaps, impossible, to proportion exactly the price of labour to the profits it produces; and it will also be said, as an apology for injustice, that were a workman to receive an increase of wages daily, he would not save it against old age, nor be much the better for it in the interim. Make, then, Society the treasurer to guard it for him in a common fund; for it is no reason that because he might not make a good use of it for himself, that another shall take it.

The state of civilization that has prevailed throughout Europe, is as unjust in its principle, as it is horrid in its effects; and it is the con-

sciousness of this, and the apprehension that such a state cannot continue when once investigation begins in any country, that makes the possessors dread every idea of a revolution. It is the *hazard*, and not the principles of a revolution, that retards their progress. This being the case, it is necessary, as well for the protection of property, as for the sake of justice and humanity, to form a system, that whilst it preserves one part of society from wretchedness, shall secure the other from depredation.

The superstitious awe, the enslaving reverence, that formerly surrounded affluence, is passing away in all countries, and leaving the possessor of property to the convulsion of accidents When wealth and splendour, instead of fascinating the multitude, excite emotions of disgust ; when, instead of drawing forth admiration, it is beheld as an insult upon wretchedness ; when the ostentatious appearance it makes serves to call the right of it in question, the case of property becomes critical, and it is only in a system of justice that the possessor can contemplate security.

To remove the danger, it is necessary to remove the antipathies, and this can only be done by making property productive of a national blessing, extending to every individual. When the riches of one man above another shall increase the national fund in the same proportion ; when it shall be seen that the prosperity of that fund

depends on the prosperity of individuals; when the more riches a man acquires, the better it shall be for the general mass; it is then that antipathies will cease, and property be placed on the permanent basis of natural interest and protection.

I have no property in France to become subject to the plan I propose. What I have, which is not much, is in the United States of America. But I will pay one hundred pounds sterling towards this fund in France, the instant it shall be established; and I will pay the same sum in England, whenever a similar establishment shall take place in that country.

A revolution in the state of civilization is the necessary companion of revolutions in the system of government. If a revolution in any country be from bad to good, or from good to bad, the state of what is called civilization in that country, must be made conformable thereto, to give that revolution effect. Despotic Government supports itself by abject civilization, in which debasement of the human mind, and wretchedness in the mass of the people, are the chief criterions. Such Governments consider man merely as an animal; that the exercise of intellectual faculty is not his privilege; *that he has nothing to do with the laws, but to obey them;*[1] and they politically depend more upon breaking

[1] Expression of Horsley, an English Bishop, in the English Parliament.

the spirit of the people by poverty, than they fear enraging it by desperation.

It is a revolution in the state of civilization, that will give perfection to the revolution of France. Already the conviction that Government by representation, is the true system of Government, is spreading itself fast in the world. The reasonableness of it can be seen by all. The justness of it makes itself felt even by its opposers. But when a system of civilization, growing out of that system of government, shall be so organized, that not a man or woman born in the Republic, but shall inherit some means of beginning the world, and see before them the certainty of escaping the miseries, that under other Governments accompany old age, the revolution of France will have an advocate and an ally in the heart of all nations.

An army of principles will penetrate where an army of soldiers cannot—It will succeed where diplomatic management would fail—It is neither the Rhine, the Channel, nor the Ocean, that can arrest its progress—It will march on the horizon of the world, and it will conquer.

THOMAS PAINE.

MEANS FOR CARRYING THE PROPOSED PLAN INTO EXECUTION, AND TO RENDER IT AT THE SAME TIME CONDUCIVE TO THE PUBLIC INTEREST.

I. Each canton shall elect in its primary assemblies, three persons, as commissions for that canton, who shall take cognizance, and keep a register of all matters happening in that canton, conformable to the charter that shall be established by law, for carrying this plan into execution.

II. The law shall fix the manner in which the property of deceased persons shall be ascertained.

III. When the amount of the property of any deceased person shall be ascertained, the principal heir to that property, or the eldest of the coheirs, if of lawful age, or if under age, the person authorized by the will of the deceased to represent him, or them, shall give bond to the commissioners of the canton, to pay the said tenth part thereof, within the space of one year, in four equal quarterly payments, or sooner, at the choice of the payers. One-half of the whole property shall remain as security until the bond be paid off.

IV. The bonds shall be registered in the office of the commissioners of the canton, and the original bonds shall be deposited in the national bank at Paris. The bank shall publish every quarter of a year the amount of the bonds in

its possession, and also the bonds that shall have been paid off, or what parts thereof, since the last quarterly publication.

V. The national bank shall issue bank notes upon the security of the bonds in its possession. The notes so issued shall be applied to pay the pensions of aged persons, and the compensation of persons arriving at twenty-one years of age. It is both reasonable and generous to suppose, that persons not under immediate necessity, will suspend their right of drawing on the fund, until it acquire, as it will do, a greater degree of ability. In this case, it is proposed, that an honorary register be kept in each canton, of the names of the persons thus suspending that right, at least during the present war.

VI. As the inheritors of the property must always take up their bonds in four quarterly payments, or sooner if they choose, there will always be numeraire arriving at the bank after the expiration of the first quarter, to exchange for the bank notes that shall be brought in.

VII. The bank notes being thus got into circulation, upon the best of all possible security, that of actual property to more than four times the amount of the bonds upon which the notes are issued, and with numeraire continually arriving at the bank to exchange or pay them off whenever they shall be presented for that purpose, they will acquire a permanent value in all parts of the republic. They can therefore be received

in payment of taxes or emprunts, equal to numeraire, because the Government can always receive numeraire for them at the bank.

VIII. It will be necessary that the payments of the ten *per cent.* be made in numeraire for the first year, from the establishment of the plan. But after the expiration of the first year, the inheritors of property may pay the ten *per cent.* either in bank notes issued upon the fund, or in numeraire. It will lie as a deposit at the bank; to be exchanged for a quantity of notes equal to that amount; and if in notes issued upon the fund, it will cause a demand upon the fund equal thereto; and thus the operation of the plan will create means to carry itself into execution.

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